

Panel Submission – Part A

Latrobe City Council

Planning Scheme Amendment C131

Flood Overlays Update

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ATTACHMENTS

Attachment No.	Description
Attachment 1	Directions Letter
Attachment 2	First Exhibition Explanatory Report
Attachment 3	Re-Exhibition Explanatory Report
Attachment 4	Copy of Submissions
Attachment 5	Summary of Submissions Table
Attachment 6	Post-Exhibition Changes Table
Attachment 7	Flood Mapping Methodology 2023
Attachment 8	Advice from Department of Transport and Planning
Attachment 9	Memo on Amendments to Glengarry/Eaglehawk Creek Flood Study
Attachment 10	Post Exhibition (Day 1 Version) Policy
Attachment 11	Post Exhibition (Day 1 Version) Maps

1. INTRODUCTION & OVERVIEW

- 1 Latrobe City Council (Council) is the Planning Authority for this Amendment C131 (the Amendment) to the Latrobe Planning Scheme.
- 2 The Amendment was undertaken on behalf of the West Gippsland Catchment Management Authority (WGCMA) who are the Floodplain Management Authority.
- 3 This Part A submission has been prepared by the Planning Authority, Latrobe City Council in response to Panel Directions issued on 13 June 2024 which states:

*Council must file Part A (Background and context) submission by **12 noon on Monday, 24 June 2024** that includes:*

- a. *a summary of the physical context of the subject land and surrounds*
 - b. *background to the Amendment including chronology of events*
 - c. *a summary of the conditions of authorisation and how they have been met*
 - d. *a summary of the strategic context, including:*
 - i. *relevant planning policies and controls*
 - ii. *any other recently approved or upcoming amendments that might impact on the Amendment*
 - e. *for each property subject to submissions:*
 - i. *a summary of the issues raised in submissions*
 - ii. *summarise the amendment history at the following stages*
 - *exhibition*
 - *re-exhibition*
 - *council position of 6 May 2024*
 - iii. *confirm the recommendation sought from the Panel for the property.*
- 4 The structure of this Part A submission follows the above Panel Direction which were received on 13 June 2024.
 - 5 A further “Part B” submission will be presented at the Panel Hearing starting on 9 July 2024 and submitted on 8 July 2024. The Panel has directed that Council’s Part B submission includes:
 - a. *its response to submissions and evidence*
 - b. *its final position on the Amendment.*
 - 6 Latrobe City Council initiated the Amendment in 2021 to implement the updated flood mapping for “the Latrobe River, Eaglehawk Creek, Rintouls Creek and urban Traralgon” as specified in the *West Gippsland Floodplain Management Strategy 2018-2027*.

- 7 Riverine flooding is significant along the Latrobe and Morwell Rivers, as well as along smaller waterways such as Middle Creek, Waterhole Creek, Traralgon Creek, Eaglehawk Creek and Rintoul Creek.
- 8 Latrobe City's main towns of Moe-Newborough, Morwell, Traralgon and Churchill are supported by the district towns and small towns including Boolarra, Glengarry, Toongabbie, Tyers, Traralgon South, Yallourn North and Yinnar.
- 9 Several locations within the Latrobe City were identified as having significant flood risk in the *West Gippsland Floodplain Management Strategy 2018-2027*. These locations are the urban areas of Traralgon, Moe, Morwell, Toongabbie and Glengarry.
- 10 It remains a priority issue and key responsibility of Latrobe City Council to understand and take proactive action to address flood risk with our community and partner agencies to which the progression of this Amendment is considered to support.
- 11 Latrobe City Council welcome the assessment and recommendations of the Planning Panel.

2. PANEL DIRECTIONS

- 12 A Directions Hearing was held for Amendment C131 on 11 June 2024.
- 13 A letter of directions was provided to Council by the Panel on 13 June 2024 (**Attachment 1**).
- 14 Sections 3 – 8 of this submission address the directions provided by the Planning Panel in regards to the Part A submission.

3. PHYSICAL CONTEXT

- 15 Section 3 of this submission discusses the physical context of the subject land and surrounds.
- 16 Latrobe City (the City) is located approximately 150 kilometres east of Melbourne. With a population of over 77,000 people, Latrobe City is recognised as one of Victoria’s four major regional centres along with Ballarat, Bendigo and Geelong. It is spread over 1,422 square kilometres.
- 17 The City is the residential, commercial and industry hub for a larger catchment of approximately 262,000 people stretching across the Latrobe Valley and broader Gippsland region.
- 18 The Latrobe City municipality covers an area of approximately 1,400 square kilometres and is entirely contained within the West Gippsland catchment. It includes varying topography ranging from the steep hills of the Great Dividing Ranges (in the north) and Strzelecki Ranges (in the South) to flat plains of the Latrobe Valley.
- 19 The majority of the region is agricultural land, with large pockets of eucalypt and pine plantations, residential areas, and industry, with the most significant being coal mining and electricity production.
- 20 The municipality contains four major urban areas – Moe-Newborough, Morwell, Traralgon and Churchill. It has seven small towns of Yallourn North, Tyers, Glengarry, Toongabbie, Boolarra, Yinnar and Traralgon South.
- 21 Major rivers include the Latrobe, Morwell, Tyers and Thomson Rivers. They are described as follows:

Latrobe River

- 22 The Latrobe River starts from the southern slopes of the Baw Baw Plateau in Baw Baw Shire, it flows in an easterly direction from the western boundary of the municipality north of townships of Moe-Newborough, Morwell and Traralgon through to the eastern boundary of the municipality where it continues on towards its mouth in Lake Wellington east of Sale in Wellington Shire. It is joined by seventeen tributaries including Morwell, Tyers and Thomson Rivers and Narracan, Traralgon, Waterhole, Rintouls and Eaglehawk Creeks. The river descends 764 metres over its 270-kilometre course.

The Latrobe River has been subject to significant flood events in 2021, 2012, 1993, 1978 and 1934.

Morwell River

- 23 The Morwell River rises in the Strzelecki Ranges, below Boolarra South. The river flows generally in a northerly direction, joined by two minor tributaries before reaching its mouth to form confluence with the Latrobe River, south of Yallourn North. The river descends 156 metres over its 41-kilometres.

The lower reaches of the river have been diverted around open-cut coal mines by channels and pipelines until it enters the Latrobe River. No changes are proposed to the flood overlays for the Morwell River catchment.

Tyers River

24 The Tyers catchment is located in the Latrobe basin covering an area of approximately 328km². The Tyers River is 86 km long, running south from Mt Baw Baw to the Latrobe River between Yallourn North, Tyers and Maryvale with a catchment slope of 17.2m/km. Flows in the Tyers River are confined by steep banks thus breakouts are only expected to occur in the downstream portion of the catchment.

Thomson River

25 The Thomson River borders the Latrobe municipality to the north of Toongabbie and Cowwarr. The Thomson River rises below Newlands at the north western end of the Baw Baw Plateau of the Great Dividing Range, where it shares a watershed with the Yarra and Tanjil rivers. From its source, the river flows generally north, then east, then south southeast before reaching its confluence with the Latrobe River near Sale. The river descends 970 metres over its 170-kilometre course. No changes are proposed to the flood overlays for the Thomson River catchment.

26 There are also several smaller creeks that flow through or adjacent to the aforementioned townships including Traralgon Creek (Traralgon), Eaglehawk Creek (Glengarry), Rintouls Creek (Tyers), Eel Hole Creek (Churchill), Narracan Creek (Moe-Newborough), Waterhole Creek (Morwell), Toongabbie and Rosedale Creeks (Toongabbie). These are described below:

Traralgon Creek

27 Traralgon Creek has a catchment area of 178 square kilometres, originating in the high rainfall area of the steep upper catchment of the Strzelecki Ranges and flowing through the Traralgon urban area upstream of its confluence with the Latrobe River. The upper catchment is primarily forested, including plantations, whilst the lower catchment is generally farmland with the exception of the urban areas surrounding Traralgon.

28 The Traralgon Creek has recorded significant flooding, which at times has also combined with stormwater flooding from rain falling within the town. The urban areas of Traralgon have experienced flooding from Traralgon Creek in 1978, 1993, 1995, 2011, 2012 and 2021. Several residential and commercial properties are subject to over-floor flooding and road closures are significant and

disruptive. There is a significant flash flooding risk in Traralgon, particularly at the eastern side of the town near the Princes Highway and Liddiard Road.

Eaglehawk Creek

- 29 Eaglehawk Creek has a length of 18.95 kilometres which starts in the Great Dividing Ranges before joining the Latrobe River north of Traralgon.
- 30 The Eaglehawk Creek Catchment is predominantly rural, covering an area of approximately 129 square kilometres. The most upstream section of the catchment runs along the Cowwarr-Walhalla Road and the catchment finishes at the inflow of the Eaglehawk and Four Mile Creek into the Latrobe.
- 31 In terms of topography, the Eaglehawk Creek catchment rises to 405 metres AHD down to 20 metres AHD at the confluence with the Latrobe River. The channels and tributaries within the northern half of the catchment are all well-defined, due to the steep elevation and grade of the terrain. The primary land use of this portion of the catchment is tree plantations, whereas the northern half of the catchment is primarily flat floodplains which is used primarily for farming.

Rintouls Creek

- 32 Rintouls Creek is located in the Latrobe basin, beginning six kilometres southeast of Erica running south to the Latrobe River between Tyers and Glengarry West. It is 34.98km long and has an 84.72km² catchment. Over this distance the elevation drops from 405 to 28m AHD, giving it a gradient of 10.85m/km.

Eel Hole Creek

- 33 Eel hole Creek is a tributary of Morwell River which starts in the Strzelecki ranges before travelling through Churchill and the Hazelwood Pondage and then joining the Morwell River. The natural alignment was altered to flow around the Hazelwood mine.

Narracan Creek

- 34 Narracan Creek in south Victoria starts near Thorpdale South at an elevation of 341m at an elevation of 47.8m. The Narracan Creek drops around 293m over its 30.2km length. It winds its way down through Moe-Newborough before meeting the Latrobe River. No changes are proposed to the flood overlays for the Narracan Creek catchment through this Amendment.

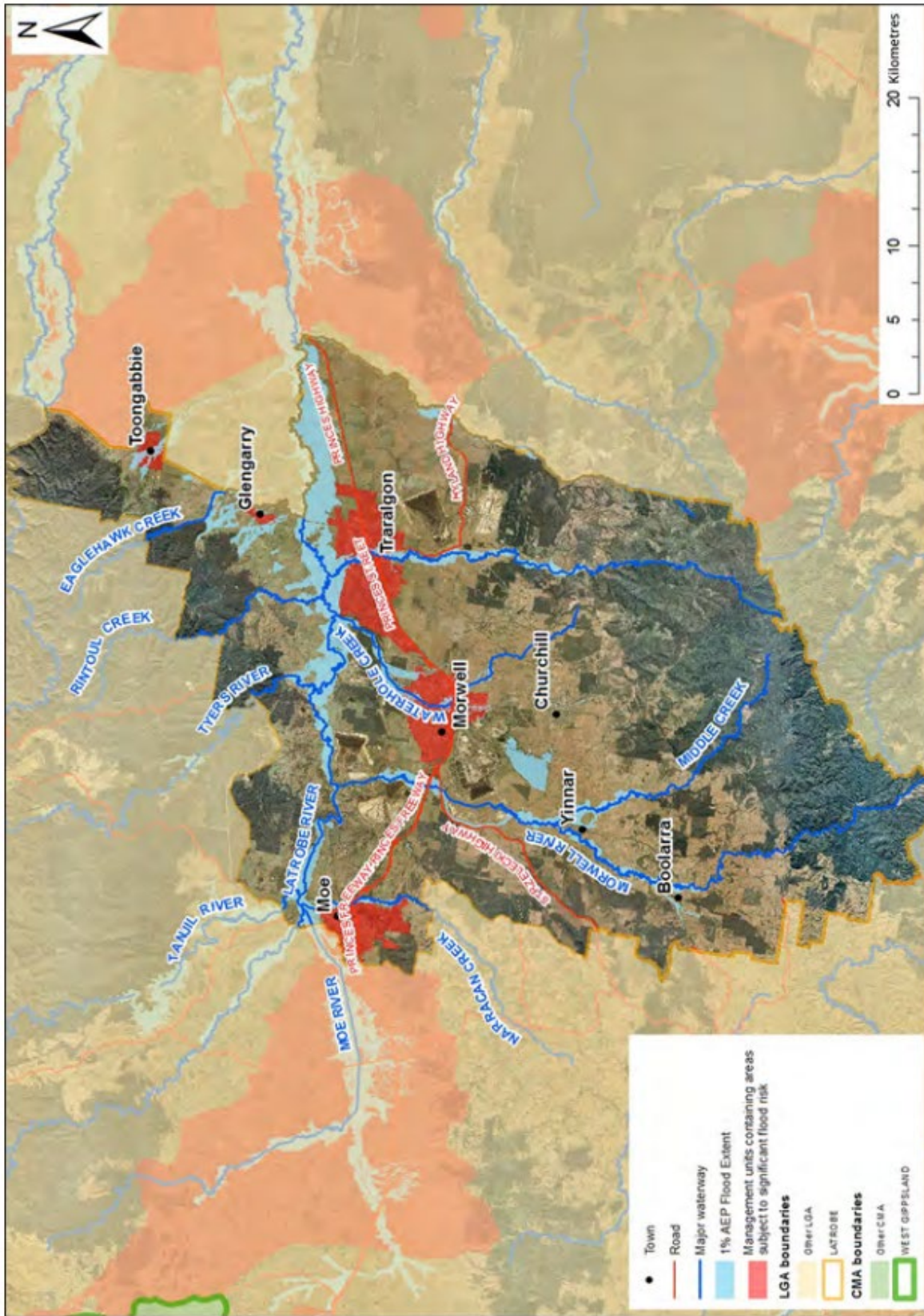
Waterhole Creek

- 35 Waterhole Creek rises in the Strzelecki Ranges, near Jeeralang North, flowing through forested land before flowing northwards through cleared agricultural land. It then flows towards Morwell across a heavily modified and drained floodplain, through industrial land, before flowing through the township of Morwell. Through the township the creek has been channelised and extensively modified. North of Morwell the creek flows through plantation forest and farmland before joining Wades Creek. Wades Creek flows for a short distance before joining the Latrobe River. Bennetts Creek is a major tributary, draining from Hazelwood North and flowing into Waterhole Creek just upstream of Morwell.
- 36 Waterhole Creek is subject to a flood study currently being prepared by WGCMA and Latrobe City Council that is currently out on public consultation.
- 37 Minor changes are proposed through this Amendment to correct some anomalies just south of the Princes Highway in Morwell.

Toongabbie and Rosedale Creeks

- 38 The Toongabbie catchment area is located in the Latrobe Basin in South Eastern Victoria, north of Traralgon and approximately 177 kilometres from Melbourne. It is an ungauged catchment covering approximately 45 square kilometres and contains two major waterways, Toongabbie Creek and Rosedale Creek which are tributaries of the Latrobe River. The topography of the catchment area ranges in elevation from approximately 360 metres AHD to 15 metres AHD, with the upper portion of the catchment area consisting of forested areas, and the lower portion of the catchment area consisting predominately of farmland, before flowing into the Latrobe River.
- 39 The flood overlay extents were updated for the Toongabbie and Rosedale Creeks through Amendment C126latr (Toongabbie Town Structure Plan).
- 40 The waterways and physical context are shown in Figure 1.

Figure 1: Physical Context



Source: West Gippsland Floodplain Management Strategy 2018-2027

4. BACKGROUND TO THE AMENDMENT

41 Section 4 of this submission discusses the background and formation of the Amendment, the chronology of events, and community and authority consultation.

4.1. Chronology of events

42 The table below provides an overview of the chronology of the progression of Amendment C131.

Table 1: Amendment C131 Chronology of Events

Date	Event
6 May 2011	Monash Way, Churchill Scoping Study completed
March 2015	Latrobe River Flood Study completed
15 December 2015	Rintouls Creek Flood Study completed
15 December 2015	Tyers River Flood Study completed
June 2016	Traralgon Flood Study completed
1 April 2016	Morwell North West Drainage Report completed
19 June 2017	Morwell North West DCP Drainage WR-04 Report completed
2017	West Gippsland Floodplain Management Strategy 2018-2027 (the Strategy) finalised. The Strategy indicates that Latrobe should undertake a planning scheme amendment to implement the updated flood mapping in the 2021/2022 financial year.
28 February 2019	draft for Floodplain Mapping for Upper Traralgon Creek completed
27 June 2019	draft for Floodplain Mapping for Glengarry/Eaglehawk Creek completed
11 May 2021	Latrobe City Council received funding from the Regional Planning Hub to undertake a flood-related amendment.
8 November 2021	Council meeting resolved to request authorisation from the Minister for Planning to prepare and exhibit Amendment C131.

	Endorse the draft Latrobe River Flood Study (2015) and the draft Traralgon Flood Study (2016), for public exhibition as part of planning scheme Amendment C131.
15 November 2021	Requested for Authorisation to the Minister for Planning.
26 November 2021	Minister for Planning provided Authorisation of Amendment.
24 December 2021	Exemption request granted under section 5 of Ministerial Direction No. 15 to the requirements of section 4(1) by a planning authority to prepare and give notice of an amendment within 40 business days after authorisation
16 December 2021	Request to pre-set Planning directions and hearing dates for Amendment.
3 February 2022 to 7 March 2022	Exhibition of proposed Amendment Sixty-seven written submissions were received
26 April 2022	Exemption request granted under section 5 of Ministerial Direction No. 15 to the requirements of section 4(3) by a planning authority to request the appointment of a Panel within 40 business days after the closing date for submissions
14 April 2022	Request to change pre-set Planning directions and hearing dates for Amendment.
1 August 2022	Council deferred consideration of submissions and seek further advice from the West Gippsland Catchment Management Authority.
5 September 2022	Council resolves to provide Council Officers time to detail options on how to progress Amendment.
7 November 2022	Council resolves to provide Council Officers further time to detail options on how to progress Amendment.
2 March 2023	Additional funding received from Regional Planning Hub to undertake a Peer Review and progress the Amendment

15 March 2023	Venant Solutions Pty Ltd appointed as the consultant to undertake a peer review of Amendment.
5 June 2023	Council resolve for Council Officers to prepare a report to be presented at the 4 December Council meeting to consider submissions and details next steps for the progression of the Amendment.
28 July 2023	Workshop held with Department of Transport and Planning, Venant Solutions, WGCMA, and Latrobe City Council representatives.
15 September 2023	Glengarry/Eaglehawk Creek and Upper Traralgon Creek Flood Studies completed
15 September 2023	<i>Monash Way, Churchill 2011</i> report provided to Council. This was not passed onto Venant Solutions as the Peer Review was finalised.
20 September 2023	Peer review of Amendment completed by Venant Solutions Pty Ltd. It finds that only eight (8) strategies are finalised.
23 October 2023	Request to change pre-set planning directions and hearing dates for Amendment.
6 November 2023	Council resolves to allow further consultation to be undertaken with residents with outstanding submissions.
14 November 2023 – 31 January 2024	Consultation undertaken with outstanding submitters.
5 December 2023	Extension s30(1)(a)(ii) – Request more time for Planning Authority to adopt an amendment before it lapses granted.
5 February 2024	Council resolves to place Amendment on Re-exhibition
29 February 2024 to 5 April 2024	Re-Exhibition of proposed Amendment Twelve written submissions were received
25 March 2024	Revised mapping for Glengarry sent to WGCMA

23 April 2024	WGCMA provides post-exhibition changes including substantial updates to the proposed flood overlay extent in Glengarry.
30 April 2024	Planning Panels Victoria requests update on Amendment C131 Consideration of Submissions Council Meeting date.
8 May 2024	Planning Panel requested.
13 May 2024	Planning Panel appointed for the Amendment.
7 June 2024	Funding received from Regional Flood Related Amendments Program to undertake a Planning Panel
11 June 2024	Directions Hearing held for the Amendment.
24 June 2024	Plan showing locations of submitters provided to Planning Panels Victoria.
24 June 2024	Council's Part A submission circulated
Scheduled items to occur	
1 July 2024	Expert witness reports circulated.
8 July 2024	Deadline for Council to circulate Part B submission.
9 July 2024	Planning Panel hearing to commence.

4.2. Flood Study Consultation

43 Consultation informing the development of the nine re-exhibited flood studies included:

Traralgon Flood Study Consultation

44 Consultation informing the development of the *Traralgon Flood Study 2016* were undertaken by Water Technology on behalf of WGCMA and included:

- Initial community meeting, 9th December, 2014 in Traralgon for the Traralgon Flood Study– The first public meeting was held to outline the objectives of the study to the community and to receive any flood information the community may be able to provide;
- Second community meeting, 31st March, 2015 – this meeting was to provide an update on the project and to gather additional flood intelligence information from the community.
- Third community meeting, 29th September 2015 – This meeting presented the results of the flood modelling. Community feedback was sought on the flood modelling results and potential mitigation ideas.

Latrobe River Flood Study Consultation

45 Consultation was undertaken by Cardno on behalf of WGCMA in the preparation of the *Latrobe River Flood Study 2015*. It included:

- Survey forms were prepared to obtain the following types of information from floodplain residents:
 - a. Baseline property information including address, property type, length of occupation and resident details;
 - b. Details of any flooding experienced; and
 - c. Community expectations on flood mitigation options.
- Public notices were also published in the Latrobe Valley (LV) Express, the Gippsland Times and the Warragul Gazette.

46 A total of 530 survey forms were mailed out to floodplain residents by WGCMA with cover letters and postage-paid return envelopes. Of the 530 surveys sent, 142 were returned. Data from the surveys were tabulated by WGCMA.

Morwell North West Development Plan and Development Contribution Plan

- 47 Latrobe City Council approved the Morwell North West Development Plan and Development Contribution Plan on the 4 October 2010. The development plan estimates that the precinct will yield 1,280 new housing lots, 0.33 hectares of commercial land via a local activity centre, and 4.03 hectares of public open space.
- 48 The development plan contains within it a development contribution plan which is enforced by a requirement in DPO1 that planning permits for subdivision include a Section 173 agreement to provide for the collection of development levies in accordance with the development plan.
- 49 The Development Plan was reviewed in 2018 which included the two flood studies associated with the Morwell North West Development Plan and Development Contribution Plan. These were not exhibited as they did not materially affect the development plan.

Planning Permit 2012/71

- 50 The *Monash Way, Churchill 2011 Flood Study* formed part of a planning permit application 2012/71. It was put on notice as part of the planning permit process which ended 21 September 2012.

Other Flood Studies

- 51 It is understood that the Glengarry/Eaglehawk Creek Flood Study, Rintouls Creek Flood Study, Upper Traralgon Creek Flood Study and Tyers River Flood Study were completed inhouse by WGCMA and did not undergo further community consultation beyond the public consultation undertaken through Amendment C131.

Consultation during the First Exhibition of the Amendment

- 52 Face to face community consultation sessions were held in Glengarry on 17 March 2022.
- 53 Due to lockdown restrictions, five virtual community consultation sessions were offered to all stakeholders on 7 February, 9 February, 14 February, 16 February and 22 February 2022.
- 54 An out-of-session public submissions opportunity was offered to submitters to present their submissions to Councillors on 16 June 2022.
- 55 Other activities undertaken during Exhibition will be discussed in section 5.3.

Consultation requested by Council

- 56 Council requested that further consultation be undertaken with submitters at the 6 November 2023 Council Meeting.

57 All outstanding submitters were contacted on 14 November 2023 via email.

58 Twenty-two 1:1 sessions were held with outstanding submitters between November 2023 and January 2024 prior to the Re-exhibition of the Amendment.

Consultation during Re-Exhibition of the Amendment

59 Six (6) face to face community consultation sessions were held in Glengarry, Traralgon, Moe and Morwell on the 6, 7, 13, 14, 19 and 20 March 2024.

60 Other activities undertaken during Exhibition will be discussed in section 5.6.

61 As a result of both exhibition processes, Council received:

- Received 160 landowner/stakeholder telephone enquiries – 147 from the first Exhibition and 13 from the second Exhibition; and
- Received 6228 hits on have your say and Amendment 131 website pages – 4505 from the first Exhibition, 1723 from the Re-exhibition of the Amendment.

5. OVERVIEW OF THE AMENDMENT

5.1. The Application

62 The Amendment as of the Day 1 version seeks to implement the findings of the eight flood studies through the application of local policy and overlays across the municipality.

63 The amendment proposes to:

- Amend Planning Scheme Map Nos 5LSIO-FO, 11LSIO-FO, 14LSIO-FO, 15LSIO-FO, 16LSIO-FO, 17LSIO-FO, 18LSIO-FO, 19LSIO-FO, 20LSIO-FO, 21LSIO-FO, 23LSIO-FO, 24LSIO-FO, 25LSIO-FO, 37LSIO-FO, 38LSIO-FO, 41LSIO-FO, 42LSIO-FO, 43LSIO-FO, 44LSIO-FO, 47LSIO-FO, 48LSIO-FO, 49LSIO-FO, 50LSIO-FO, 56LSIO-FO, 60LSIO-FO, 61LSIO-FO, 63LSIO-FO, 64LSIO-FO, 65LSIO-FO, 66LSIO-FO, 69LSIO-FO, 70LSIO-FO, 82LSIO-FO, 83LSIO-FO, 86LSIO-FO, 91LSIO-FO, 92LSIO-FO, 101LSIO-FO, 102LSIO-FO, 114LSIO-FO.
- Insert new Planning Scheme Map Nos 4LSIO-FO, 40LSIO-FO, 71LSIO-FO, and 76LSIO-FO.
- Delete Planning Scheme Map Nos 26LSIO-FO, and 52LSIO-FO.
- Amend Clause 02.04 to update the Strategic Framework Plan with the same proposed mapping extent.
- Amend Clause 11.01-1 L to update the Glengarry Town Structure Plan with the same proposed flood mapping extent.
- Amend Clause 44.04 to correct an obvious technical error.
- Amend Clause 72.03 to update the mapping references.

5.2. Authorisation

64 At the Council Meeting held on 18 October 2021, Council resolved to seek Authorisation from the Minister for Planning to prepare and exhibit Amendment C131.

65 The Amendment was authorised on 26 November 2021 with the following condition:

Prior to exhibition of C131atr, an updated schedule to Clause 72.03 must be authored in the Amendment Tracking System and included in the package of documents submitted to the Minister under section 17(3) of the Planning and Environment Act 1987.

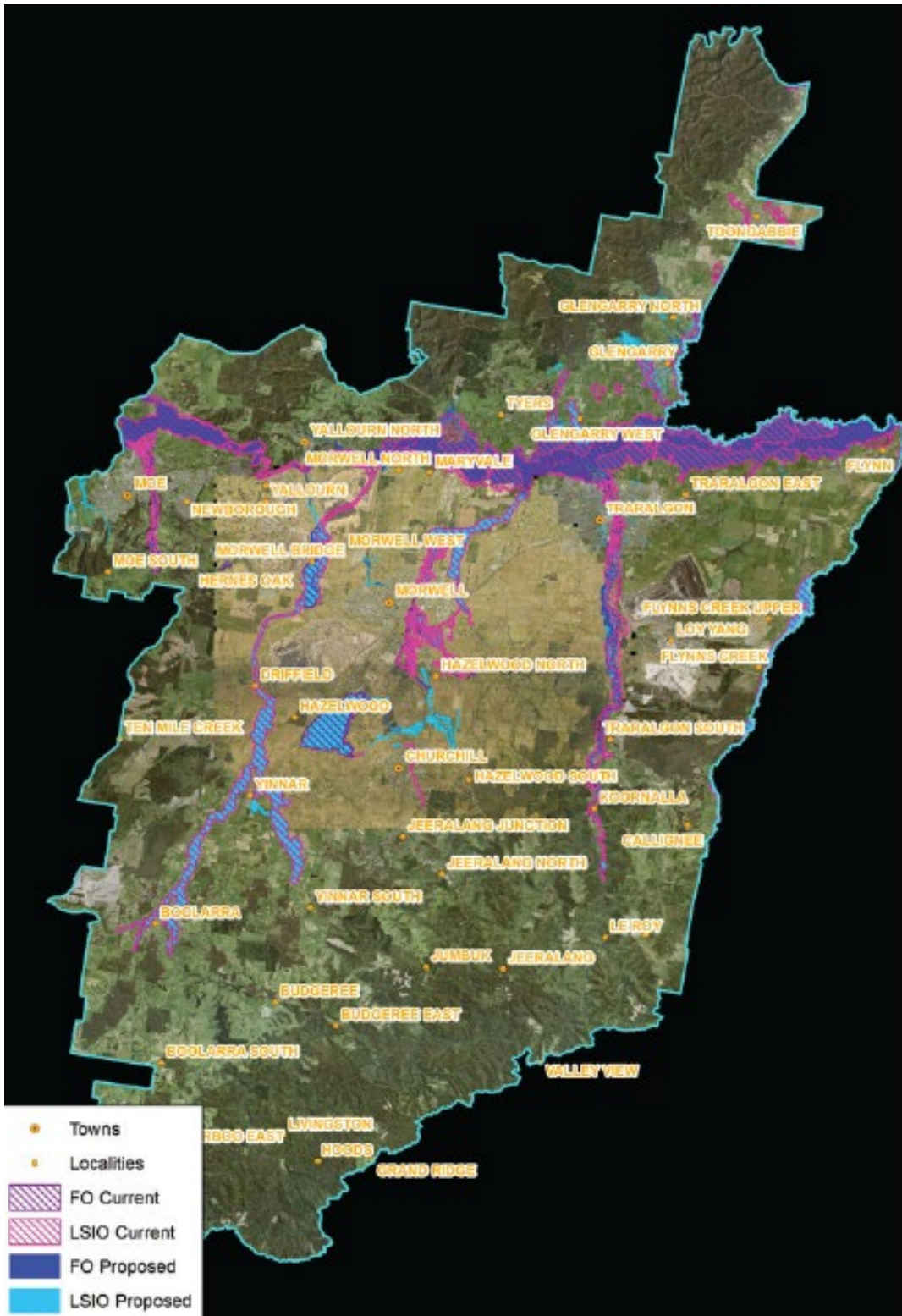
66 The Amendment was updated to include an updated schedule to Clause 72.03 prior to Exhibition of the Amendment.

5.3. First Exhibition of the Amendment

67 In accordance with Section 19 of the *Planning and Environment Act 1987*, notice of the Amendment was first given from 3 February 2022 to 7 March 2022. During this time 67 written submissions were received (including 6 late submissions), which comprised of six submissions of support, and 61 submissions objecting. 21 submissions were withdrawn prior to Re-exhibition of the Amendment.

68 The amendment initially proposed to implement the findings of the *Latrobe River Flood Study 2015* and the *Traralgon Flood Study 2016*. However, the exhibited maps showed a greater application of the flood overlays. The proposed overlays are shown in Figure 2.

Figure 2: Proposed changes to flood overlays during the first Exhibition



69 Amendment C131 was placed on exhibition from 3 February 2022 to 7 March 2022 (approximately four weeks). A copy of the exhibited C131 Explanatory Report can be found at **Attachment 2**.

70 The Amendment was first exhibited in the following manner:

- Notification was sent by mail on 3 February 2022 to all landowners and occupiers directly affected by the amendment. Approximately 1069 letters were sent in total.
- Notification was sent to public authorities and prescribed Ministers on 3 February 2022.
- Notice appeared in the Government Gazette on 3 February 2022.
- Notice appeared in the Latrobe Valley Express on 2 February 2022 and 9 February 2022.
- Displayed on Council's website (including the "Have Your Say" page).
- Social media posts on Council's Facebook, Twitter and LinkedIn.
- Displayed on the then Department of Environment, Land, Water and Planning (DELWP)'s website.
- Information was placed at service centre and libraries in Morwell, Moe, Traralgon and Churchill.
- Following the out of session submissions opportunity on 16 June, in response to feedback an updated FAQ sheet was developed and submitters were contacted and provided with a copy.

5.4. Peer Review of Amendment

71 During Consideration of Submissions, it was found that 19 flood studies or equivalent documents informed the proposed mapping, yet only two of the background documents were exhibited with the Amendment.

72 Due to this procedural defect, a Peer Review of the Amendment was commissioned by Latrobe City Council. Venant Solutions were appointed to undertake the Peer Review.

73 It was determined at a workshop held on 28 July 2023 by the Department of Transport and Planning, WGCMA, and Latrobe City Council that the best option to progress the Amendment was to re-exhibit the Amendment.

74 The Peer review recommended that Amendment C131 proceed with the following key revisions:

- Exclude the areas where the revised or new overlays are not supported by documentation;
- Document the reasoning and method for revisions made to the current overlays by WGCMA;
- Update the draft versions of the flood study documents to final version;
- Adopt the 20% increase rainfall intensity scenario mapping from the Latrobe Flood Study to include allowance for climate change along the Latrobe River floodplain;
- For Morwell North-West DCP area update the overlays to represent developed conditions;

- Up the FO area to the north of Baldwin Rd within the General Residential Zone (Amendment C138) to be LSIO; and
- Remove the areas of stormwater flooding in Traralgon from the LSIO.

75 Based on the findings of the Peer Review only eight of those flood studies were finalised and could be included in the Amendment. This included two flood studies (Glengarry/Eaglehawk Creek Flood Study and Upper Traralgon Creek Flood Study) that were in draft format but could be finalised prior to re-exhibition of the Amendment.

76 A further flood study, *Monash Way, Churchill 2011*, was provided to Latrobe City Council by WGCMA on 15 September 2023. As the flood overlay extent was documented through a finalised document, it met the criteria to be included in the Amendment, resulting in nine flood studies being exhibited during the second exhibition period.

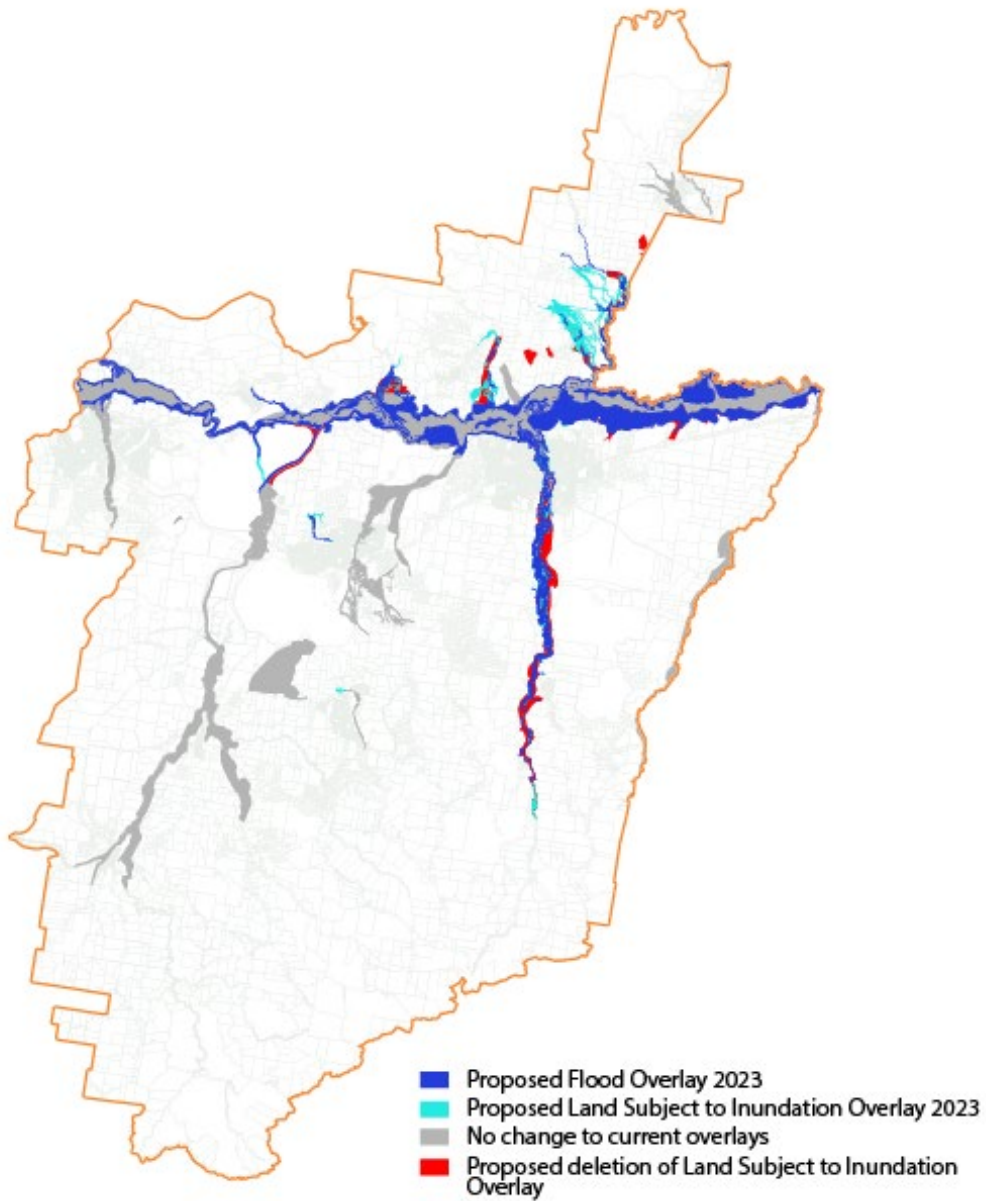
5.6. Re-Exhibition of the Amendment

77 At the 5 February 2024 Council Meeting, Council resolve to re-exhibit the Amendment.

78 Amendment C131 was placed on Re-exhibition from 29 February 2024 to 5 April 2024 in accordance with the *Planning and Environment Act 1987*. A copy of the re-exhibited Explanatory Report can be found at **Attachment 3** (a full copy of re-exhibition documentation including background reports have not been included as these have previously been provided to Panel and are also available on Council's website).

79 The area affected by the Amendment is shown in Figure 3.

Figure 3: Proposed changes to flood overlays during the first Exhibition



80 The Amendment was subsequently re-exhibited in the following manner:

- Notification was sent by mail on 27 February 2024 to all landowners and occupiers directly affected by the amendment. Approximately 1023 letters were sent in total.
- Notification was sent to public authorities and prescribed Ministers on 29 February 2024.

- Notice appeared in the Government Gazette on 29 February 2024.
- Notice appeared in the Latrobe Valley Express on 28 February 2022 and 13 March 2024.
- Displayed on Council's website (including the "Have Your Say" page).
- Social media posts on Council's Facebook, Twitter and LinkedIn.
- Displayed on the then Department of Environment, Land, Water and Planning (DELWP)'s website.
- Information was placed at service centre and libraries in Morwell, Moe, Traralgon and Churchill.

81 A further 12 submissions were received to the Amendment. This included four (4) supporting the Amendment, and eight (8) objecting. Three (3) of the objecting submissions have been withdrawn resulting in five (5) outstanding submissions. Of those, four (4) are considered to be resolved.

4.3. Submissions

82 A total of 79 submissions have been received across both exhibition periods in relation the Amendment, which includes:

- Thirty-two (32) submissions have been withdrawn in writing, with a further four (4) verbally withdrawing.
- Ten (10) are supporting, and
- Thirty-three (33) remain outstanding. Thirteen (13) of the outstanding submissions are considered resolved by Council Officers with the proposed post-Exhibition changes.

83 The key issues raised in submissions are discussed in more detail in section 5.6 of the report. A copy of all submissions received and council officer's response to the submissions can be found in **Attachments 4 (Copy of Submissions)** and **Attachment 5 (Summary of Submissions Table)**.

84 Submissions lodged as a result of exhibition and re-exhibition of the Amendment will be explored in further detail in Council's Part B submission.

4.4. Key Issues Raised

85 The key issues raised in the submissions are as follows:

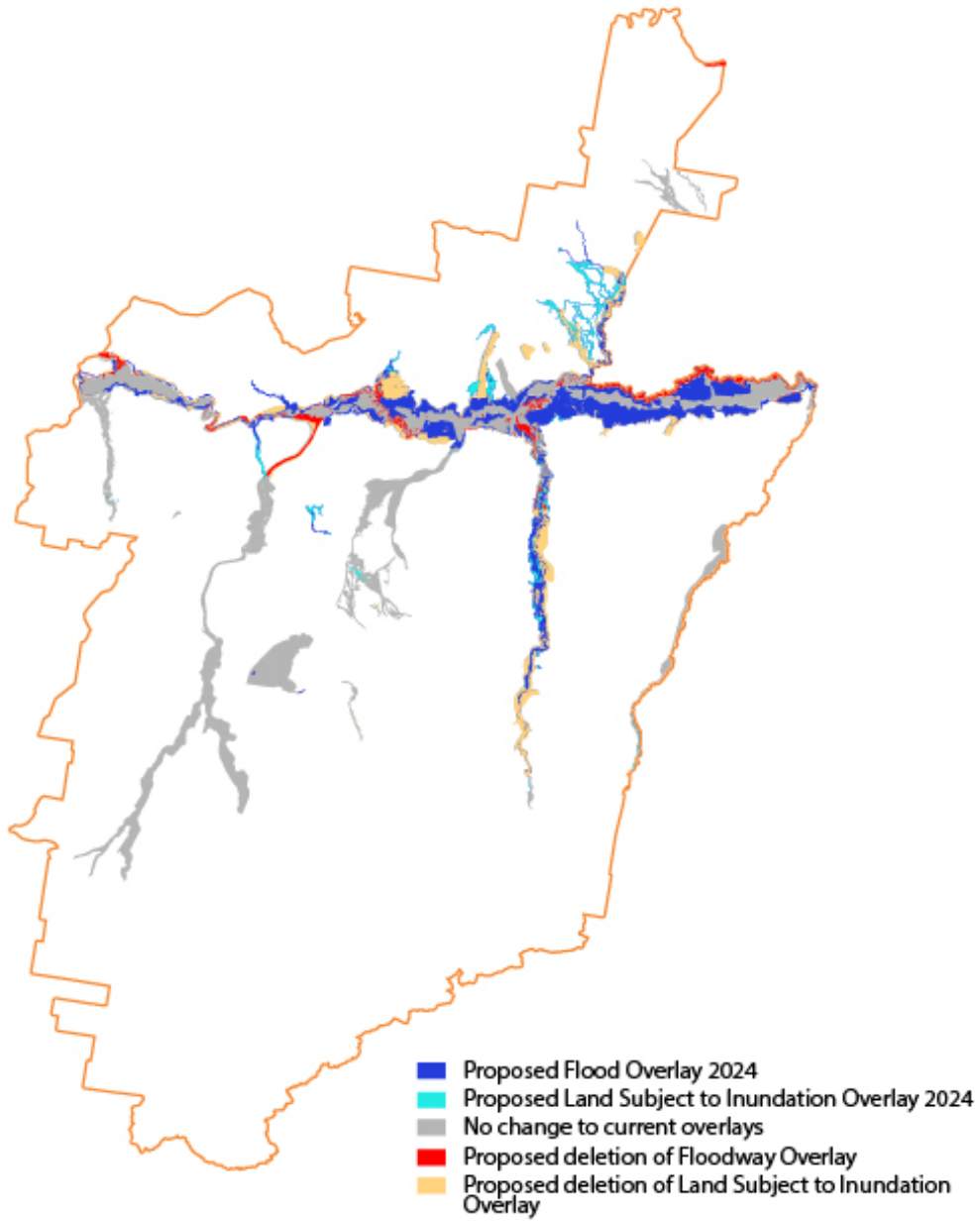
- Support the Amendment;
- Concerns that the modelling is incorrect, and that the Overlay relates to stormwater flooding not riverine flooding;

- Concerns that existing drainage infrastructure is insufficient and requests to upgrades or maintenance of infrastructure to withstand 1% Annual Exceedance Probability (AEP) flood events;
- Impacts on future development;
- New development is creating the flood impacts;
- Local topography would not allow flooding on property;
- Requests to remove the Land Subject to Inundation Overlay (LSIO) or Floodway Overlay (FO) from properties that are currently affected by Flood Overlays;
- Requests to review flood modelling to consider recent development;
- Previous flooding has not occurred on their property;
- Overlays should be reduced on property;
- Belief that the Overlay on property should not be included as the background document was not included in the Peer Review; and
- Effects on property values, rates and insurance premiums.

5.7. Proposed Changes to the Amendment

- 86 The changes post-exhibition of the re-exhibited version to the amendment propose the following:
- Amend maps 15LSIO-FO, 16LSIO-FO, 17LSIO-FO, 18LSIO-FO, 19LSIO-FO, 48LSIO-FO, 49LSIO-FO, 50LSIO-FO, 56LSIO-FO, 63LSIO-FO, 64LSIO-FO.
 - Remove Map 93LSIO-FO from the Amendment
 - Amend Clause 11.01-1L to update the Glengarry Town Structure Plan
 - Amend Clause 02.04 to update the Strategic Framework Plan
 - Amend the Schedule to Clause 44.04
- 87 A table with the proposed changes to the Amendment in response to submissions can be found in **Attachment 6**.
- 88 The extent of the Proposed Changes to the Amendment can be seen in Figure 4.

Figure 4: Proposed changes to flood overlays (Day 1 version)



6. STRATEGIC CONTEXT AND ASSESSMENT

6.1. Legislative Context

89 ***Planning and Environment Act 1987***

90 The *Planning and Environment Act 1987* (the Act) place a clear onus on the planning authority to ensure that flooding information is clearly shown in planning schemes and taken into consideration as part of the planning application process.

91 As set out in Section 4 of the Act the objectives of planning in Victoria include:

- a) *to provide for the fair, orderly, economic and sustainable use and development of land;*
- b) *to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;*
- c) *to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.*
- d) *to protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community;*
- e) *to facilitate development in accordance with the objectives set out in paragraphs a), b), c), d) and e);*
- f) *to balance the present and future interests of all Victorians.'*

92 Section 6 of the Act requires planning schemes to 'further the objectives of planning in Victoria' and Section 6(2)(e) enables planning schemes to '*regulate or prohibit any use or development in hazardous areas, or in areas which are likely to become hazardous*'.

93 ***Water Act 1989***

The *Water Act 1989* sets out the roles and responsibilities of the Water Authority. In this case, for floodplains, it is WGCMA. Section 203 of the Water Act states that:

1. *In making a declaration under section 203(1) , an Authority may adopt a flood level, a flood fringe area or a building line which, in its opinion, is the best estimate, based on the available evidence, of a flood event which has a probability of occurrence of 1 per cent in any one year.*
2. *Despite any other provision, an Authority may designate a flood level that allows a risk of flooding to exist in the use of lands.*

94 **Local Government Act 2020**

Under the Local Government Act 2020 under 9(2)(c) Councils have an overarching governance principle to promote *'the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risk'*.

95 **Building Regulations 2018**

Under *Building Regulations 2018*, Regulation 148 requires a council to prepare maps for all designated special areas within its municipal district. A 'designated special area' includes 'an area liable to flooding.'

6.1. Relevant planning policies and controls provided within the Latrobe Planning Scheme

Municipal Planning Strategy

96 The Municipal Planning Strategy introduces Latrobe City by describing its context and setting out the vision and strategic directions for planning in the municipality. It sets the foundation for local planning policies. The Amendment supports the following policies within the Municipal Planning Strategy:

97 **Clause 02.03-2 – Environmental and Landscape Values**

The Amendment supports the strategic direction of 'planning for the environment and landscape values seeks to balance development with the protection of the natural environment' by ensuring flood prone land is identified so that future rezonings do not encroach into the floodplains and any new development has minimal detrimental impact in the event of a significant flood.

98 **Clause 02.03-3 – Environmental Risks and Amenity**

99 By considering climate change scenarios where available, the amendment is future proofing to ensure more resilient, sustainable communities. This meets the strategic direction to 'Support use and development that can adapt to the impacts of climate change and seeks to minimise its negative impacts.'

100 Furthermore, the Amendment seeks to 'reduce the damage and cost associated with flood events' by identifying areas that are most at risk of a significant flood event.

101 Clause 02.04 Strategic Framework Plans

The proposed Amendment and its recommendations have considered the relevant Framework Plans and seeks to amend the Strategic Framework Plan to ensure consistency with the extent of the flood mapping shown throughout the planning scheme.

Planning Policy Framework

102 The Planning Policy Framework informs planning authorities of State, Regional and Local Policy that is to be taken into consideration when making decisions. The Amendment supports the following policies within the Planning Policy Framework:

103 Clause 11.01-1L Latrobe Settlement Planning

104 The planning scheme contains detailed Structure Plans for settlements under Clause 11.01-1L *Latrobe settlement patterns* to complement policy for Settlement at the State and regional level which seeks to promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements. The structure plans for Glengarry and Toongabbie show the extent of flooding as they influence policy around future development. The Toongabbie Structure Plan included the latest flood overlays through Amendment C126 to the Latrobe Planning Scheme, as such, the Glengarry Town Structure Plan is proposed to be updated to reflect the proposed overlay changes.

105 Clause 11.01-1R Settlement – Gippsland

106 It is policy at *Clause 11.01-1R Settlement – Gippsland* to, amongst other matters, support new urban growth fronts in regional centres where natural hazards and environmental risks can be avoided or managed. Flooding is one such environmental risk.

107 Clause 11.02-1S – Supply of Urban Land

108 This clause has the objective to ensure sufficient land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

109 The relevant strategies of this clause identify that planning for urban growth should consider the limits of land capability, natural hazards, and environmental quality.

110 The amendment proposes to revise flood mapping to ensure natural hazards can be considered in forward planning based on the most current information.

111 Clause 13.01-1S – Natural Hazards and Climate Change

112 This policy has the objective to minimise the impacts of natural hazards and adapt to the impacts of climate change through risk-based planning.

113 The relevant strategies of this clause include to:

- Consider the risks associated with climate change in planning and management decision making processes.
- Identify at risk areas using the best available data and climate change science.
- Direct population growth and development to low-risk locations.

114 This Amendment addresses the Clause by including Climate Change Scenarios in the proposed updated mapping where available.

115 Clause 13.03-1S – Floodplain Management

116 This clause has the objective to assist the protection of life, property and community infrastructure from flood hazard, the natural flood carrying capacity of rivers, streams and floodway's, the flood storage function of floodplains and waterways, and floodplain areas of environmental significance or of importance to river health.

117 The relevant strategies of this clause are to:

- Identify land affected by flooding, including land inundated by the 1 in 100 year flood event or as determined by the floodplain management authority in planning schemes.
- Avoid intensifying the impact of flooding through inappropriately located use and development.

118 The Amendment supports these strategies by applying the most current data available for flooding based on recent flood studies completed for Latrobe. The revised data provides an accurate reflection of the floodplains, including the 1 in 100 year event, and the flood storages and capacities required.

119 Clause 14.02-2S – Water Quality

120 This clause has the objective to protect water quality. The strategies to achieve this objective include discouraging incompatible land use activities in areas subject to flooding where the land cannot be sustainably managed to ensure minimum impact on downstream water quality or flow volumes.

121 The amendment supports the objective and strategies of this clause by setting out revised mapping for the floodplain areas, based on most recent flood data to allow for forward planning and management of new development.

Zones and Overlays

122 There are four types of flood provisions available to identify flooding within the Victorian Planning Provisions, the level of planning control in each provision is commensurate with the potential flood risk. The four flood provisions available include the Urban Floodway Zone (UFZ), Floodway Overlay (FO), Land Subject to Inundation Overlay (LSIO) and the Special Building Overlay (SBO).

123 Three of the available provisions are used within the Latrobe Planning Scheme – The Urban Floodway Zone, Floodway Overlay and Land Subject to Inundation Overlay.

124 The Floodway Overlay and the Land Subject to Inundation Overlay are proposed to be amended as a part of this Amendment.

125 ***Floodway Overlay***

126 The Floodway Overlay applies to the floodplain areas where the probable maximum flood has a depth greater than 300mm or a velocity of greater than 1.5 metres per second (m/s). It is noted that the velocity threshold is rarely met in West Gippsland.

127 ***Land Subject to Inundation Overlay***

128 The Land Subject to Inundation Overlay applies to the fringes of the floodplain where there is a depth between 50mm and 300mm.

129 The application of these overlays is described in *Flood Mapping Methodology 2023* in **Attachment 7**.

6.2. Ministerial Directions

130 A strategic assessment of the Amendment, in accordance with Ministerial Direction No. 11, is contained within the re-exhibited Explanatory Report (see **Attachment 3**).

131 The Amendment complied with the directions contained in Ministerial Direction No. 15.

132 Exemption request granted under section 5 of Ministerial Direction No. 15 to the requirements of section 4(1) by a planning authority to prepare and give notice of an amendment within 40 business days after authorisation was approved on 24 December 2021.

133 An exemption request made under section 5 of Ministerial Direction No. 15 to the requirements of section 4(3) by a planning authority to request the appointment of a Panel within 40 business days after the closing date for submissions was approved on 26 April 2022.

- 134 An Extension of time under s30(1)(a)(ii) – Request more time for Planning Authority to adopt an amendment before it lapses was approved on 5 December 2023.
- 135 Advice from the Department of Transport and Planning (DTP) as seen in **Attachment 8** was that the recommendations of the Peer Review did not change the scope of the Amendment. As such, the Amendment did not need to apply for re-Authorisation but that due to the nature of the changes, the Amendment will need to be Re-Exhibited.
- 136 The Amendment is consistent with Ministerial Direction (Form and Content of Planning Schemes).

6.3. Relevant Planning Practice Notes

- 137 The Amendment is consistent with Planning Practice Note 12: Applying the Flood Provisions in the Planning Scheme (PPN12).

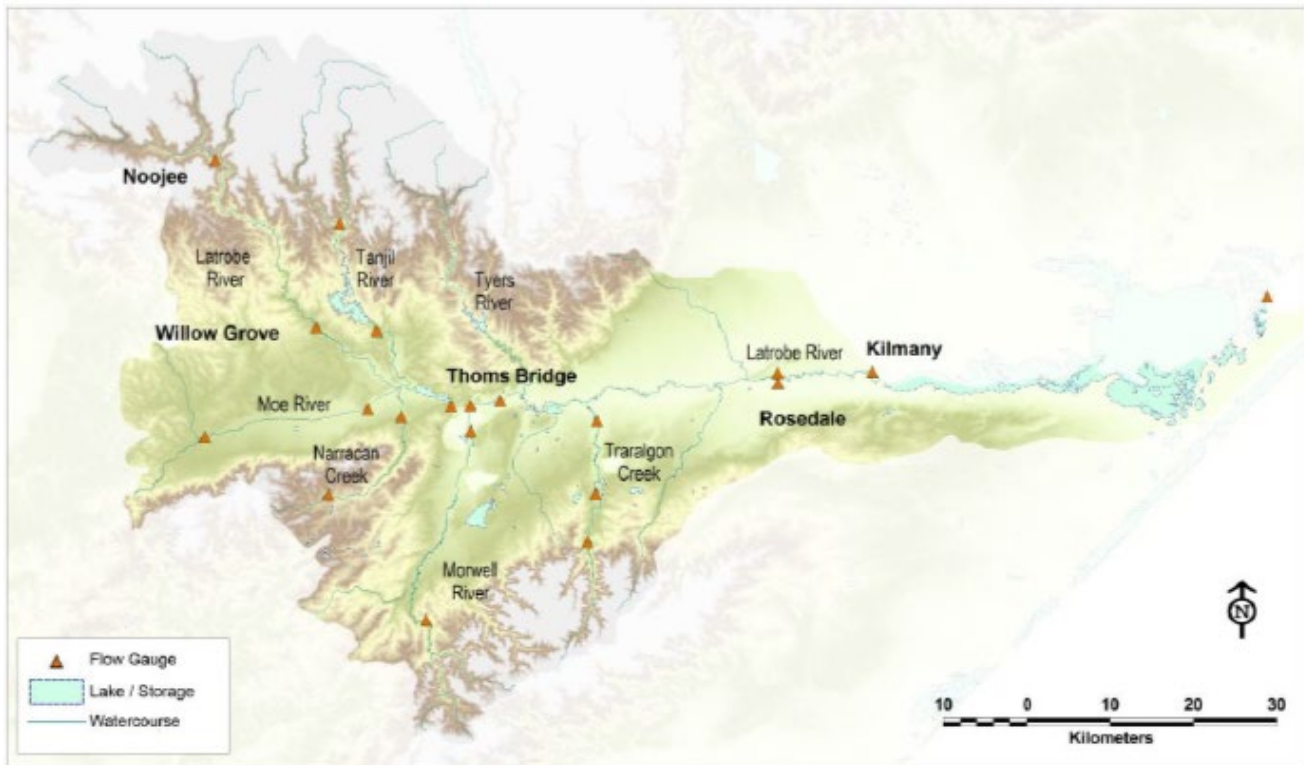
6.4. Flood Studies informing the Amendment

138 *Latrobe River Flood Study 2015*

- 139 The Latrobe River Flood Study was prepared by Cardno on behalf of WGCMA.

- 140 The Latrobe River is the largest waterway in the West and Central Gippsland area with an extensive floodplain. Prior to this study, there was very limited information about flooding from the Latrobe River. The catchment extends from Noojee in Baw Baw Shire through to Lake Wellington in Wellington Shire. The Catchment is shown in Figure 5.

Figure 5: Latrobe River Catchment



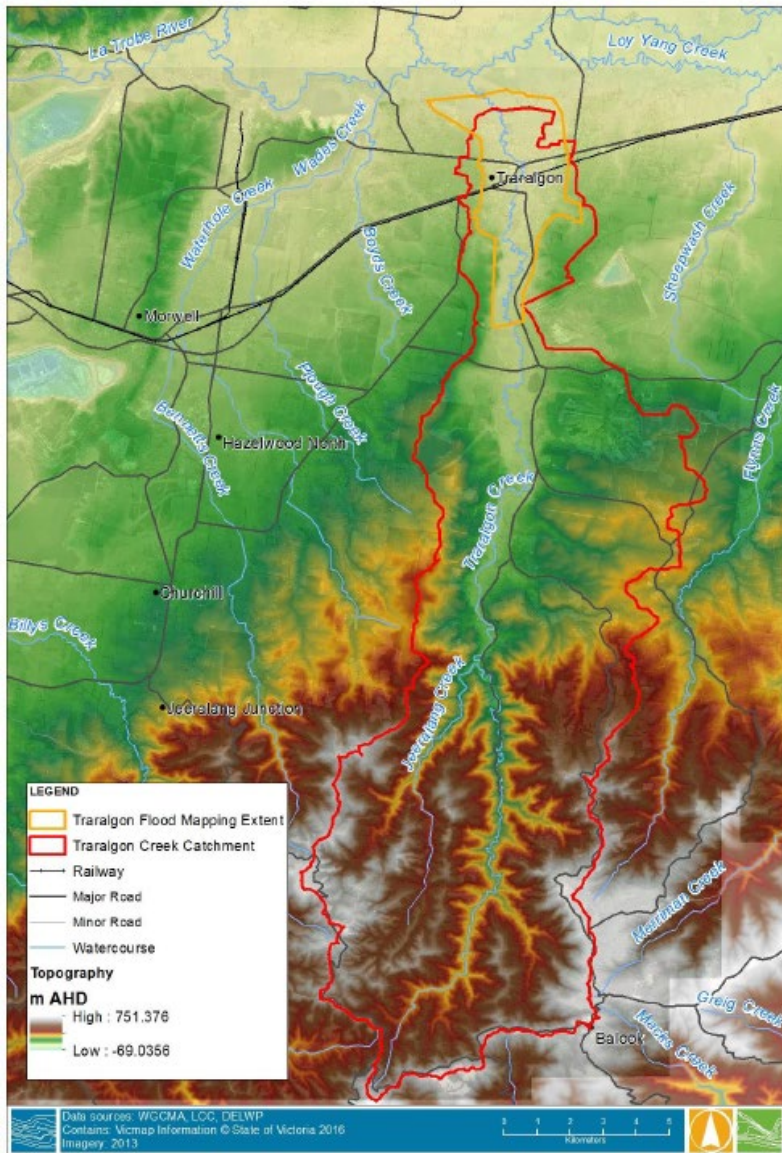
141 The study recommended to update the flood overlays in accordance with the 100 year ARI extent.

142 **Traralgon Flood Study 2016**

143 Following the flood events affecting Traralgon during June 2007, July 2011, June 2012 and June 2013, Water Technology was commissioned by the WGCMA to undertake the Traralgon Flood Study. This study included detailed hydrological and hydraulic modelling of Traralgon Creek and the Latrobe River, flood mapping of Traralgon, recommendations for flood mitigation works, and a review of planning controls.

144 The Traralgon Creek catchment has an area of approximately 178 km² extending 35 km south from the confluence with the Latrobe River, to a maximum elevation of 750 m AHD at Mount Tassie. This is shown in Figure 6.

Figure 6: Traralgon Creek Catchment



145 The report recommended that “WGCMA and Latrobe City Council undertake a planning scheme amendment process to incorporate the proposed LSIO and FO mapping into the Latrobe Planning Scheme.”

146 The recommended LSIO and FO extents did not include stormwater flooding.

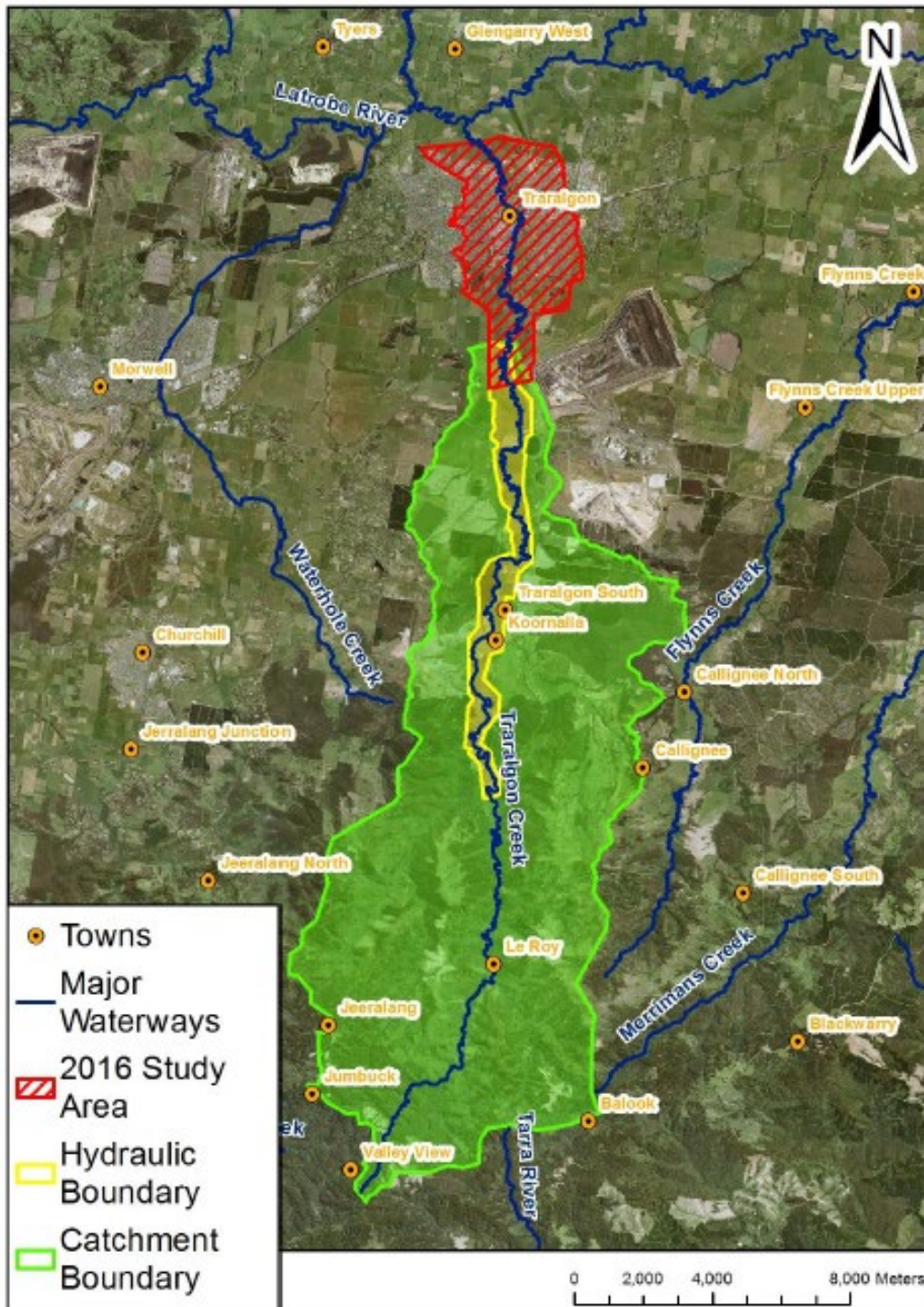
147 **Floodplain Mapping for Upper Traralgon Creek 2023**

148 This flood study was first drafted in 2021 by WGCMA. It was finalised in 2023. Up until this study, flood information for the areas of Traralgon Creek catchment south of the city of Traralgon was based off solely off a combination of local knowledge, previous real events and the topography of the

area. The previous flood information for this area has been deemed by the West Gippsland Catchment Management Authority to be low in reliability and due for a detailed flood study.

- 149 The Traralgon Creek Catchment is a predominantly rural catchment with an area of approximately 178 square kilometres. The most upstream section of the catchment is near the Grand Ridge Road, which is just north of Balook and the catchment finishes at the inflow of the Traralgon Creek into the Latrobe River. This flood study seeks to produce detailed flood mapping along the Traralgon Creek, beginning at the most upstream point of the Water Technology report (Traralgon Flood Study 2016), finishing approximately 1 kilometre downstream of the township of Koornalla as shown in Figure 7.

Figure 7: Upper Traralgon Creek Catchment



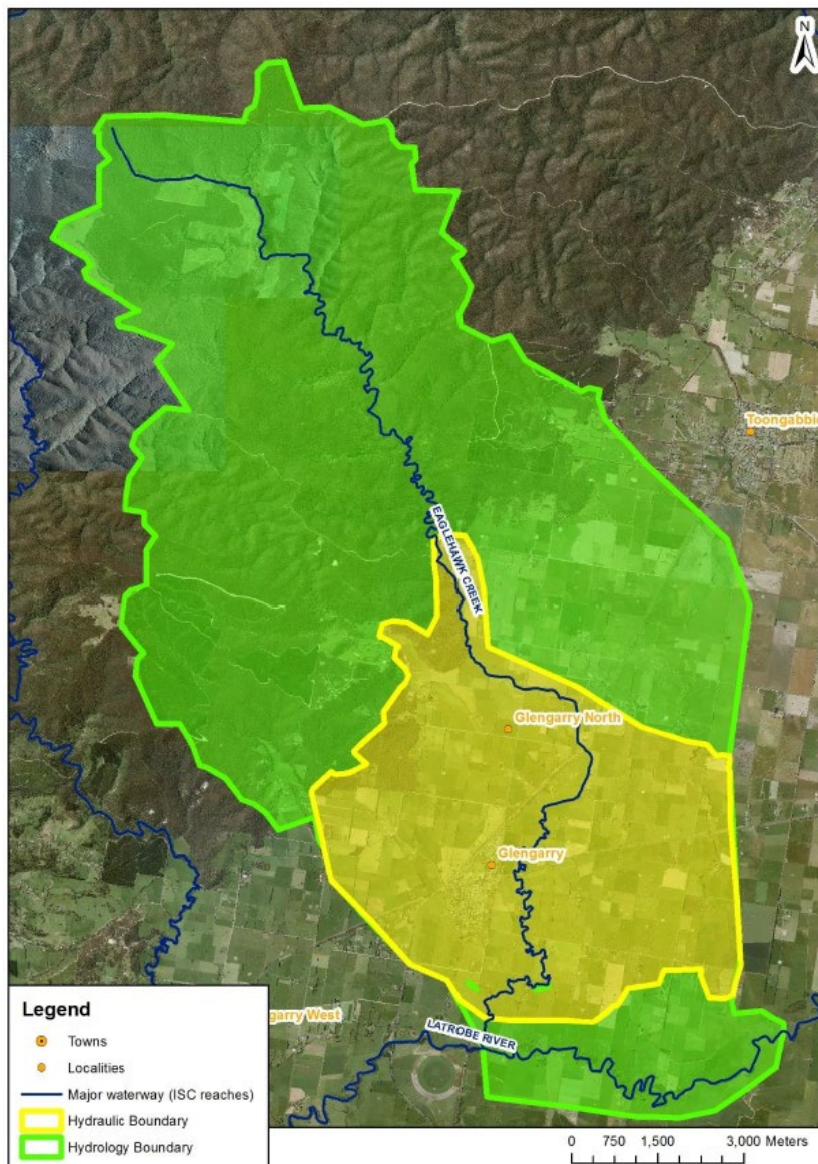
150 The information presented in this report has been compiled for use by West Gippsland Catchment Management Authority (WGCMA) for statutory planning, community education/preparedness, flood risk for insurance purposes and emergency management purposes.

151 Floodplain Mapping for Glengarry/Eaglehawk Creek 2023

152 This flood study was first drafted by WGCMA in 2021. It was finalised in 2023. This study is an update of the existing flood information produced in 2015 as part of the Student Floodplain Mapping Program run by the West Gippsland Catchment Management Authority.

153 The Eaglehawk Creek Catchment is predominantly rural, covering an area of approximately 129 square kilometres. The most upstream section of the catchment runs along the Cowwarr-Walhalla Road and the catchment finishes at the inflow of the Eaglehawk and Four Mile Creek into the Latrobe River. It includes a number of tributaries including Yorkies Gully which runs southwest of the Glengarry township. The catchment is shown in Figure 8.

Figure 8: Glengarry/Eaglehawk Creek Catchment



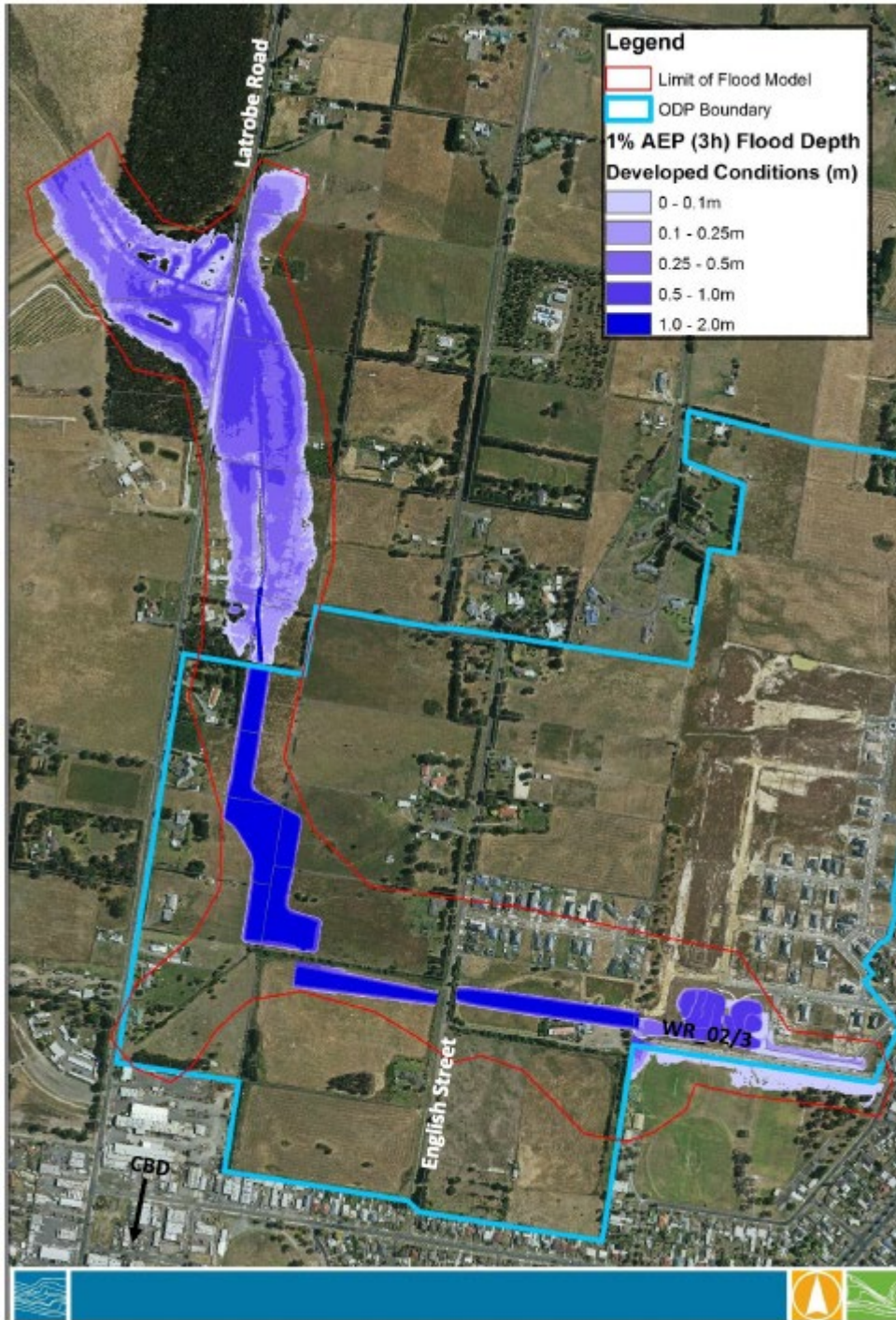
- 154 The study has been completed in accordance with the guidance provided in Australian Rainfall and Runoff (ARR) 2019. As such, this study represents the best available flood risk information for this area.
- 155 ***Morwell North West Drainage Report 2016***
- 156 Water Technology were commissioned to undertake a detailed drainage investigation of the region covered by the proposed Development Contribution Plan (DCP) and to investigate flooding issues across the site, with consideration giving to proposed development. The drainage investigation is intended to provide sufficient detail to demonstrate the feasibility of the proposed Water Sensitive Urban Design (WSUD) and stormwater management for the study area.
- 157 The study area consists of approximately 134 Ha of irregularly shaped land west of Maryvale Road, south of Old Melbourne Road and east of Latrobe Road as shown in Figure 9.

Figure 9: Study Area for Morwell North West Development Plan



158 As development is currently underway in the Morwell Northwest Development Plan and the drainage infrastructure is likely to be completed in the next few years, it was determined to that the most appropriate action was to map the flood extent in developed conditions, as shown in Figure 10.

Figure 10: 1%AEP Flood Extent in Developed Conditions

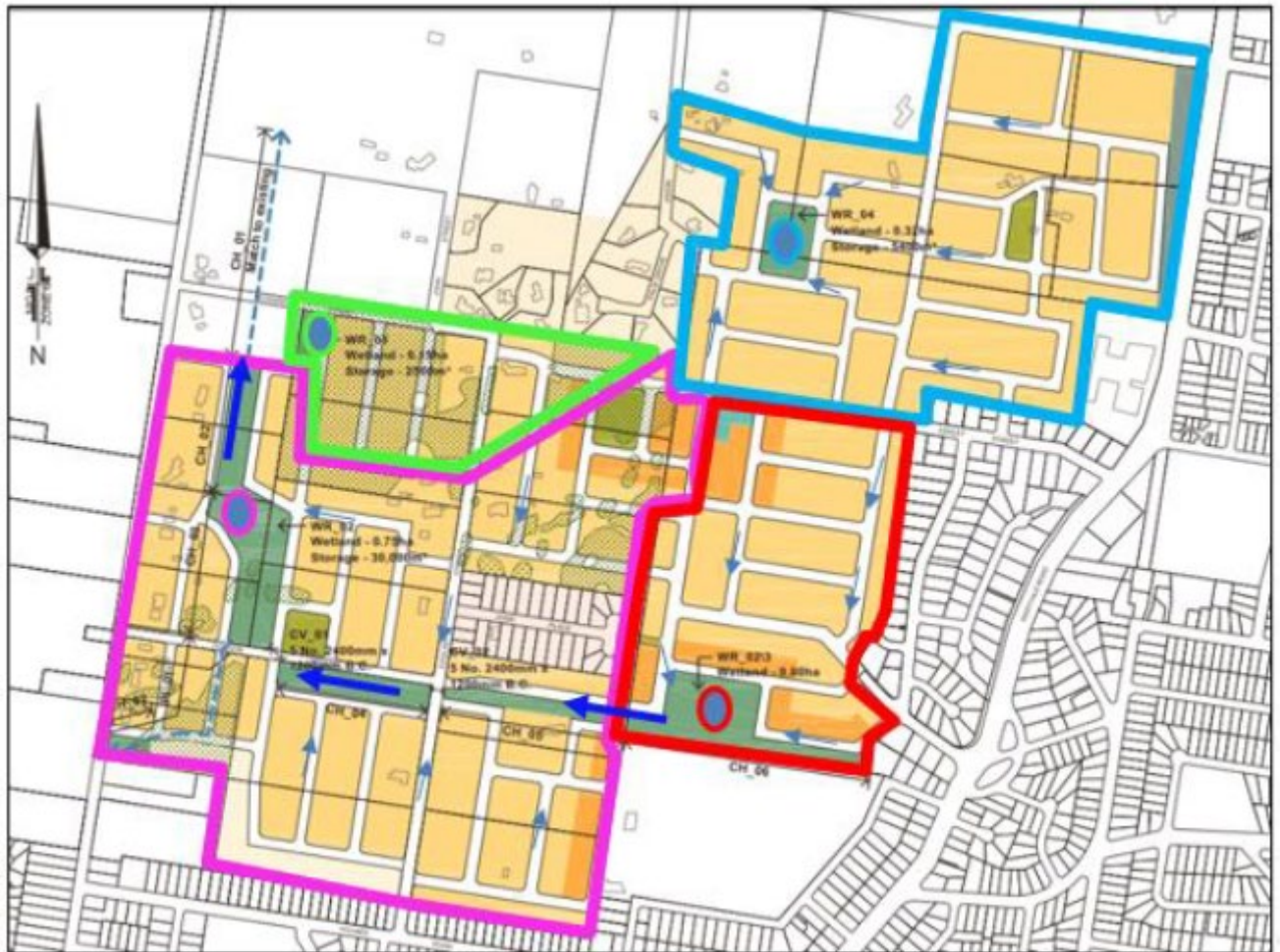


159 **Morwell North West DCP Drainage WR04 2017**

160 This report follows on from, and builds upon a previous study *Morwell North-West Drainage Report 2016*.

161 The focus of the investigation in this report is the northern internal catchment within the previous DCP study area (blue polygon shown in Figure 11).

Figure 11: Study Area for Morwell North West DCP Item WR-04



162 Due to development currently being underway, and the drainage infrastructure likely being completed in the next few years, it was determined to that the most appropriate action was to map the flood extent in developed conditions, as shown in Figure 12.

Figure 12: 1%AEP Extent in Developed Conditions

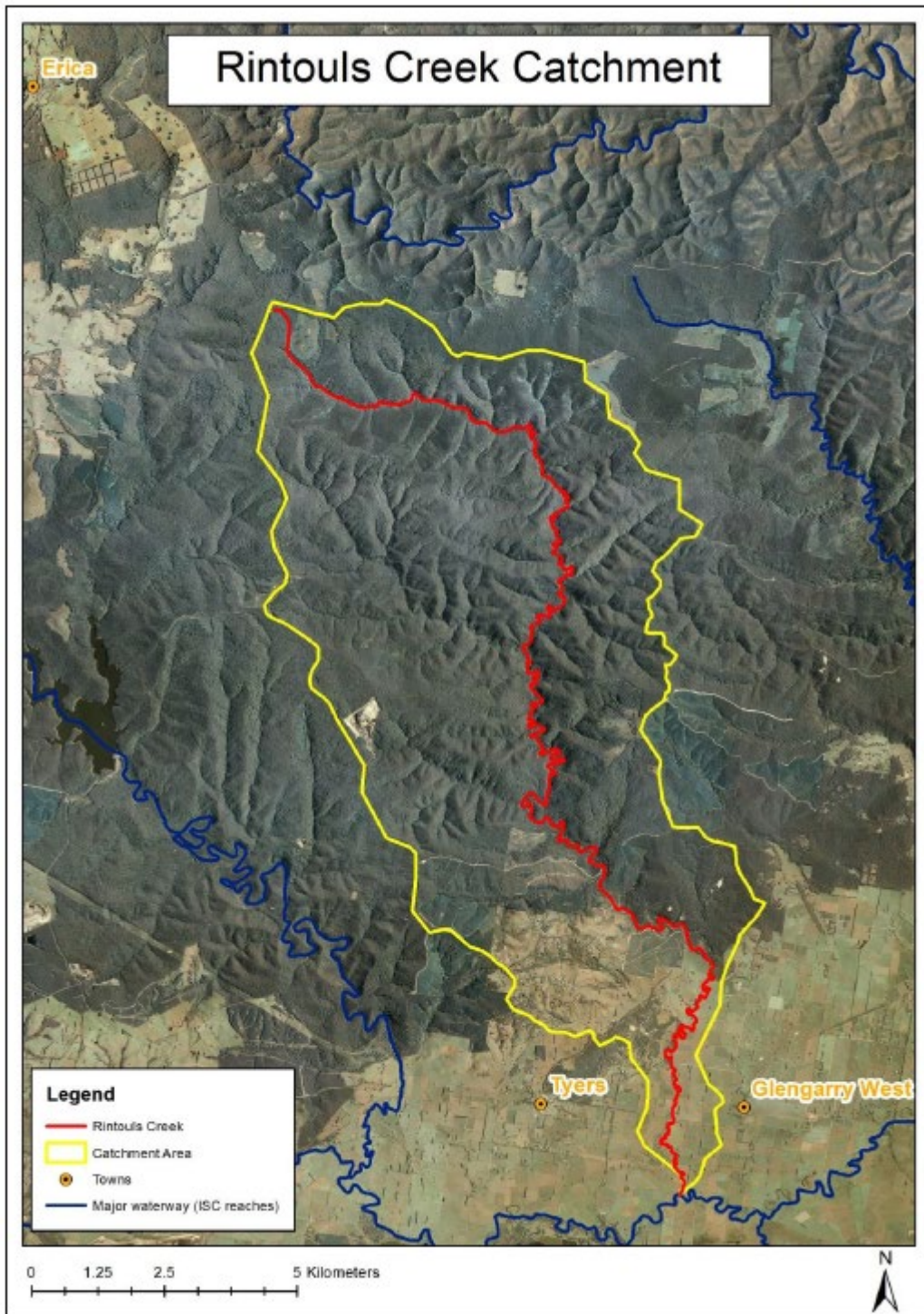


163 **Floodplain Mapping for Rintouls Creek 2015**

164 Floodplain modelling is conducted to determine the nature and extent of flooding through the estimation of design flood flows, levels and velocities to be used by the West Gippsland Catchment Management Authority (WGCMA) for statutory planning purposes. There was no flood extent data available previously for Rintouls Creek, aside from what was obtained in the *Latrobe River Flood Study (2015)*.

165 The catchment can be divided into two different areas, the upstream section with dense vegetation and steep banks and the downstream section consisting mostly of agricultural land with some residential dwellings. The residential dwellings are situated along the south western edge of the catchment in a rural living zone in the locality of Tyers, the catchment is shown in Figure 13.

Figure 13: Rintouls Creek Catchment

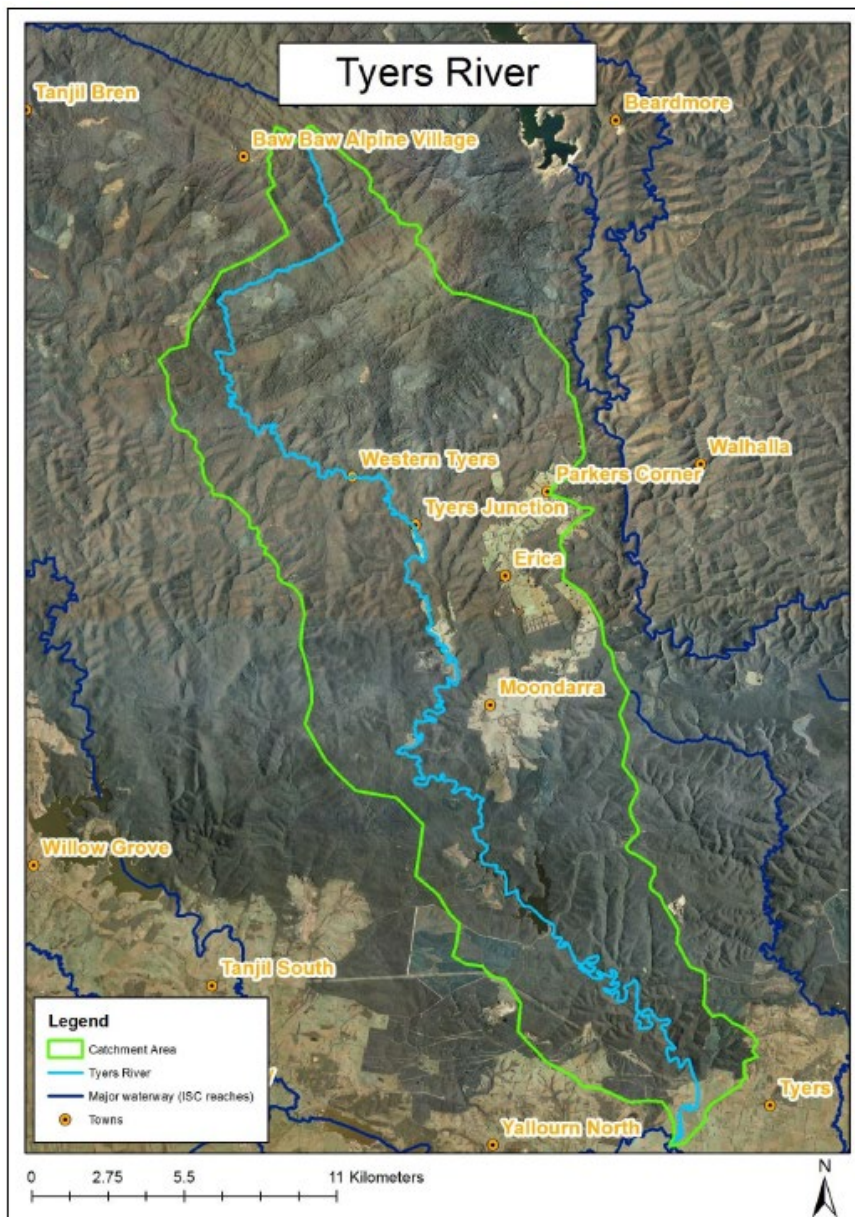


166 **Tyers River 2015**

167 Prior to this study being completed there was no flood extent data available, aside from what was obtained in the *Latrobe River Flood Study 2015*.

168 The townships and localities of Caringal, Erica, Amor, Rawson, Jacob’s Creek, Moondarra, Yallourn North and Tyers are all located fully or partially within the Tyers River catchment and some contain a small number of dwellings. The majority of these dwellings are upstream of the floodplain area and are elevated well above the river. Only a few in Tyers and Yallourn North are likely to be affected by flooding. All of the land currently subject to inundation is zoned for farming or special use. This zoning means that while the results are less likely to affect the construction of new dwellings, only replacement dwellings would be allowed in locations subject to flooding of 0.3m or deeper. The catchment is shown in Figure 14.

Figure 14: Tyers River Catchment



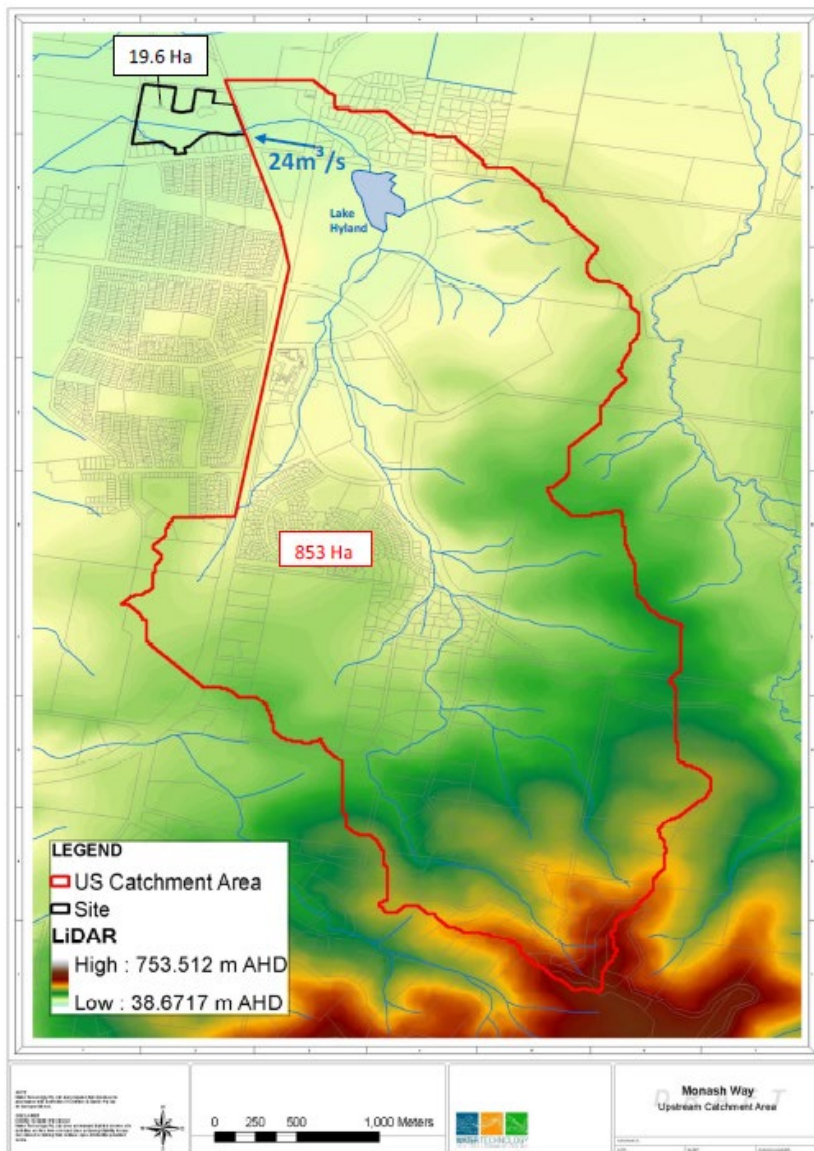
169 It was recommended that based on the results of this flood study and *the Latrobe River Flood Study (2015)*, the area not inundated in either study could be considered for removal from the Victorian Flood Database (VFD). It recommends the inclusion of flooding upstream of Brown Coal Mine Road as flooding is shown to occur here from the Tyers River and in the *Latrobe River Flood Study (2015)*.

170 **Monash Way, Churchill 2011**

171 A scoping study was prepared in support of Planning Permit 2012/71 for Silcocks Road, Churchill (L F LP 215154).

172 An upstream catchment area of approximately 853 Ha contributes to flows entering the site (refer to Figure 15). This catchment is estimated to have a 2-hour response time.

Figure 15: Upstream Catchment for Silcocks Road, Churchill



- 173 The document was not originally provided to Venant Solutions to peer review, so it was recommended that the document not be included in the Amendment.
- 174 The document was subsequently provided on 15 September 2023. As it was a final document, it met the criteria to be included in the Re-Exhibition of the Amendment.
- 175 However, due to an administrative error, Map 93LSIO-FO which included the Silcocks Road, Churchill was not included in the Instruction Sheet or the list of changes in the Explanatory Report. It did appear in the mapping reference table of the Explanatory Report.
- 176 As a Post-Exhibition Change, it was decided to remove Map 93LSIO-FO and the Monash Way, Churchill 2011 report from the Amendment.

6.6. Other Strategic Documents informing the Amendment

177 *Victorian Floodplain Management Strategy 2016 (VFMS)*

- 178 The VFMS sets out the roles and responsibilities of government agencies and authorities in flood management. The aim is to improve the evaluation and communication of flood risks to allow communities and agencies to take better-informed action when managing floods.
- 179 The VFMS states that there “is a bigger role however for non-structural measures such as land use planning (zones, overlays, freeboard requirements, setbacks).”
- 180 The flood studies are broadly consistent with the intent of the VFMS noting that four of the re-exhibited strategies were prepared prior to the release of this VFMS.

181 *West Gippsland Floodplain Management Strategy 2018-2027 (WGFMS)*

- 182 The vision for the WGFMS is that West Gippsland communities are aware of flooding and are actively taking measures to manage their flood risks to minimise the consequences to life, property, community wellbeing, the economy and the environment.

183 The WGFMS:

- Identifies those parts of the region with significant flood risk
- Identifies possible actions to mitigate those risks
- Establishes a list of priority actions to be implemented over the ten-year duration of the Strategy.

One of those actions was to undertake a Planning Scheme Amendment in the 2021/2022 financial year to implement flood studies into the Latrobe Planning Scheme.

- 184 A mid-term review of the WGFMS was released in June 2023.

185 *Flood Mapping Methodology 2023*

186 This document was prepared by WGCMA in aid of explaining which overlay was used where and how the extent of the overlays was refined from the flood studies prepared.

187 *Flood Guidelines – Guidelines for Development in Flood Prone Areas 2020*

188 These guidelines aim to promote safe and appropriate development in flood prone areas within West Gippsland. It was used as an information tool to guide discussions during consultation.

6.7. Ongoing Projects Relating to Flooding**189 *Glengarry Flood Mitigation Works – Stage 1***

190 Latrobe City Council has ongoing investigations into mitigating flooding through Glengarry.

191 Following the severe storm events experienced in 2021 Latrobe City Council engaged WMS to prepare the flood study to map the extents of flooding and assess potential mitigations. Several mitigation opportunities have been identified and assessed including the Glengarry Recreation Reserve and further upstream in Brooks Lane and Traralgon Maffra Road. Modelling shows these works would improve flood protection for a large section of the Glengarry township and residences.

192 Funding was obtained to undertake the development of a design to provide improved flood protection for the residents of Glengarry, as well as construction of the mitigation infrastructure. The works are proposed to take place along Brooks Lane and Traralgon Maffra Road. Previous flood study and flood mapping undertaken by Council shows these works would significantly improve flood protection for a large section of the Glengarry township and residences.

193 Co-funding was sought and successfully obtained through the Federal Governments Disaster Ready Fund (DRF) to design to implement a first stage of improved flood protection for the residents of Glengarry. These investigations continue to refine the treatments and delivery the first stage of works is programmed to be complete late 2025.

194 Mapping complete by WMS as part of this work was subsequently provided to WGCMA on 25 March 2024.

195 In response to the large number of submissions received, WGCMA reviewed and subsequently revised the Eaglehawk Creek/Glengarry flood model. The revised model outputs were then compared to this mapping and were found to closely align.

196 *Traralgon Flood Retarding Basin Feasibility Study*

197 \$50,000 was received in DRF co-funding to undertake a feasibility study for the Traralgon Bypass Retarding Basin. The retarding basin was previously identified in the *Traralgon Flood Study 2016* as

the only viable flood mitigation option. However, it was reliant on the Traralgon Bypass being constructed.

198 The construction on the bypass has been put on hold until the Loy Yang mine has been rehabilitated- and the mine is not scheduled to close until 2035.

199 This study is intended to explore whether it is feasible to-construct and operate the retarding basin without the bypass in place. This would enable continued advocacy to see it constructed to provide improved flood protection to Traralgon in the future.

200 ***Urban Flood Study***

201 DRF co-funding was also received to undertake an Urban Flood Study and develop a Drainage Strategy for Moe-Newborough, Morwell, and Traralgon.

202 The Urban Flood Study seeks to undertake an urban stormwater flash flood assessment (including mapping) of the three major towns. This mapping will be used to inform and develop a drainage strategy which will identify and prioritise areas of concern with appropriate mitigations, or other options. The drainage strategy is intended to form the basis of future investment into infrastructure to improve flood protection-

203 Due to this work being undertaken, all stormwater related flood overlays were removed from the Amendment.

204 ***Waterhole Creek Flood Study***

205 An updated Waterhole Creek Flood Study has been prepared for Latrobe City Council and WGCMA. It is currently in draft format and will proceed to public consultation before being finalised in early 2025.

206 ***Narracan Creek Flood Study***

207 WGCMA and Latrobe City Council have received funding to undertake a Narracan Creek Flood Study in the 2024/2025 financial year. This work is yet to commence.

6.8. Relevant amendments and development plans

208 ***Amendment C9latr - Flood Overlays (Gazetted 29 March 2012)***

209 Latrobe City Council prepared Amendment C9 to the Latrobe Planning Scheme to modify the then existing Land Subject to Inundation Overlay (LSIO) and introduce a new Floodway Overlay on land across the Latrobe City.

210 Amendment C9 was the last flood related amendment to be undertaken in Latrobe City.

211 ***Amendment C126latr Toongabbie Structure Plan (gazetted 18 October 2023)***

212 The Amendment C126 updated the flood overlays in Toongabbie. The overlays were removed from Amendment C131 and included in Amendment C126latr to ensure that the community was not 'bombarded' with consultation. No submissions were received about the changes to the flood overlays.

213 ***Amendment C87latr Part 1 - Traralgon Growth Areas Review (Gazetted on 10 August 2017)***

214 Amendment C87 Part 1 amended the Glengarry Town Structure Plan to identify 115 Railway Avenue, 145 Railway Avenue and 38 Bassetts Lane as 'future residential.'

215 No direct notification was sent to affected landowners.

216 Submitters 27, and 28 objected to the 'future residential' designation.

217 ***Morwell North West Development Plan and Development Contribution Plan (Endorsed on 10 December 2018)***

218 The Morwell North West Development Plan (MNWDP) area is bounded by Crinigan Road and rural residential properties to the north; Holmes Road and the Maryvale Recreation Reserve to the south; Maryvale Road to the east and Latrobe Road to the west.

219 It was reviewed in 2018 and endorsed on 10 December 2018.

220 The development included a range of background documents to inform the development of the plan including *Morwell North West Drainage Report 2016* and *Morwell North West DCP Drainage WR04 2017* which are included in this Amendment.

221 ***Minor administrative changes in relation to other Amendments***

222 The extent of the flood overlays was amended to match the agreed position between WGCMA and Latrobe City Council for Amendment C138latr which rezoned 80 hectares along Baldwin Road in Traralgon North.

7. Changes to the Amendment

223. As per the directions of Panel, a summary of issues raised in submission, and how the affected the mapping at Exhibition, Re-Exhibition and Post-Exhibition has been provided in the following section. Each section will focus on the catchment and the submissions within that catchment as a whole.

Glengarry

224. Submitters in Glengarry include 3, 6, 8, 9, 10, 11, 15, 16, 18, 21, 22, 23, 24, 25, 26, 27, 28, 29, 33, 35, 41, 44, 56, 58, 61, 62, 65, 68, and 69.

225. Of these 29 submissions, one (1) supports the amendment, 10 have withdrawn, three (3) have verbally withdrawn, five (5) are considered resolved and 10 object.

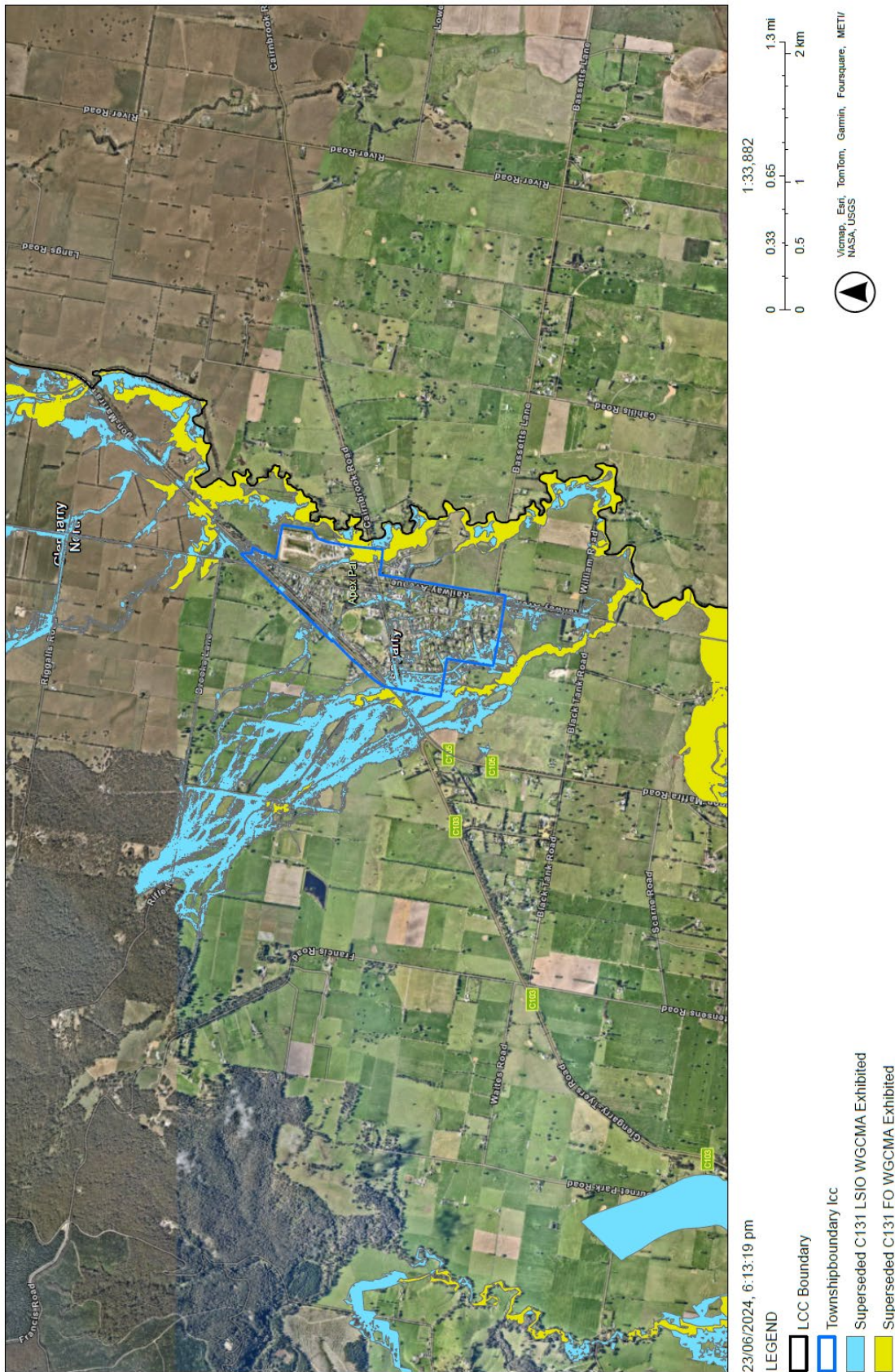
226. Key issues raised in submissions include:

- Insurance, rates and house values;
- No living memory of a flood;
- The flooding being due to lack of drainage infrastructure or poor maintenance of existing drainage infrastructure;
- Impacts on development potential;
- Development has occurred on site;
- Does not want the overlay on the land; and
- Inaccurate flood modelling (due to topography of the land; age of documents etc.)

227. *Exhibition of the Amendment*

228. During Exhibition, the following was proposed in Figure 16:

Figure 16: First Exhibition of Proposed Flood Overlays in Glengarry

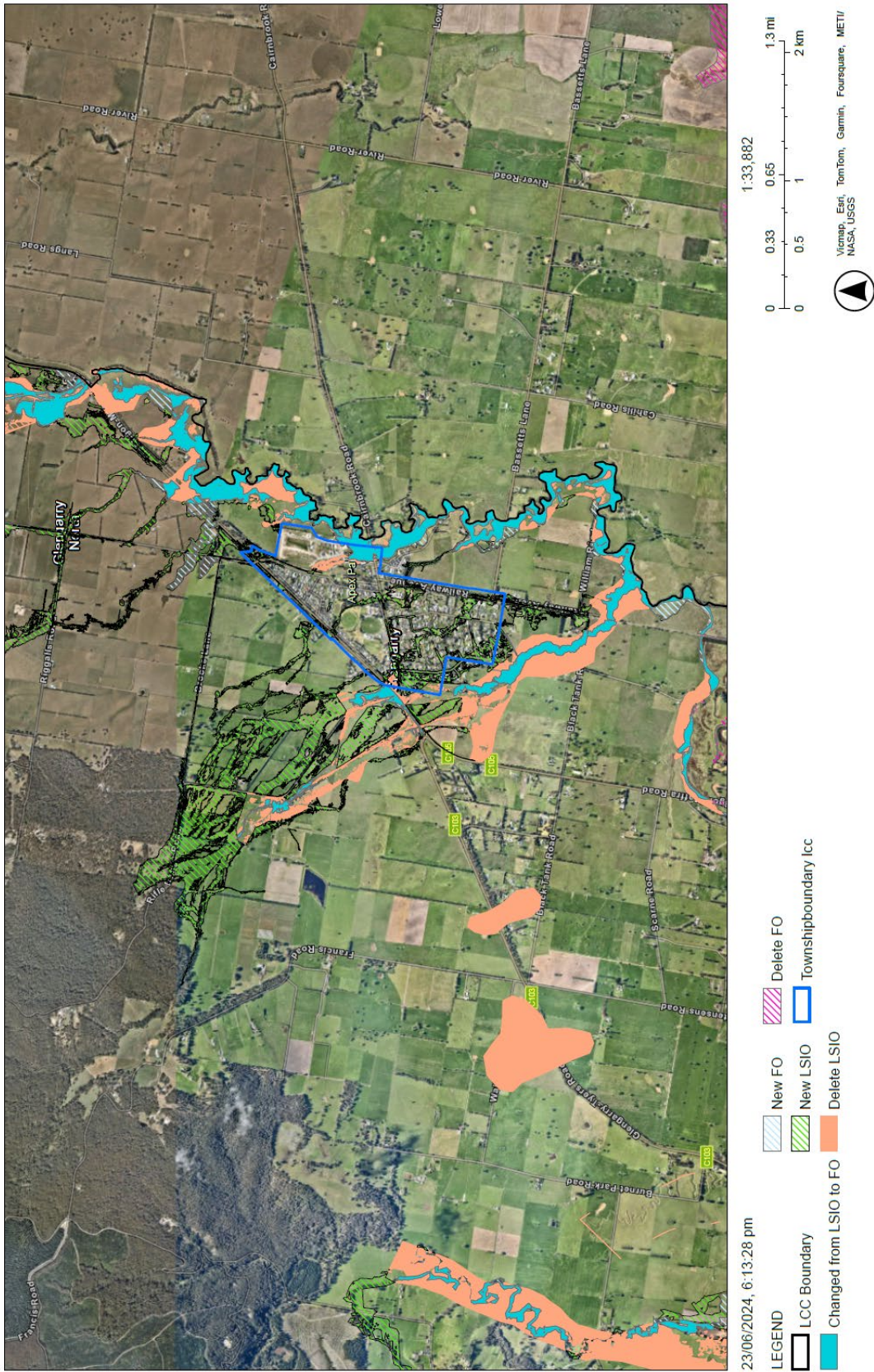


229. Changes were made to submitter 10 and 44's properties due to development occurring on site after the flood study was completed. No other changes were proposed.

230. ***Re-Exhibition of the Amendment***

231. During Re-Exhibition the following extent was proposed in Figure 17:

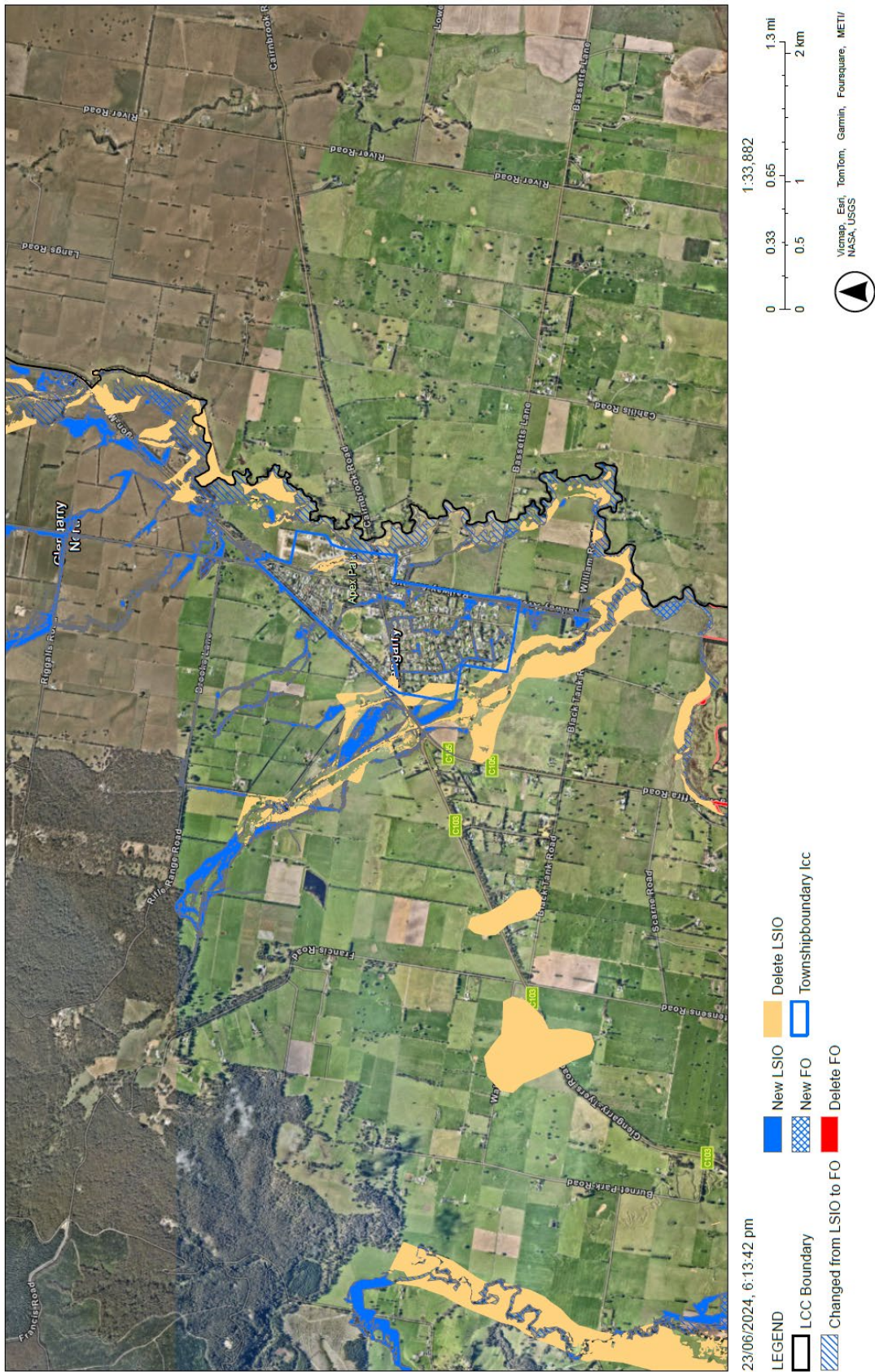
Figure 17: Re-exhibited version of proposed overlays in Glengarry



232. Councils and WGCMA's Position on the Amendment

233. WGCMA undertook a detailed review of the Eaglehawk Creek/Glengarry Flood Model in response to concerns raised by submitters and found that there was an issue with how the internal rainfall flows had been modelled in the hydraulic model.
234. The flow generated from rainfall falling within the hydraulic model boundaries were applied using TUFLOW's 2D Source over Area polygons. The amount of Source of Area polygons used within the initial model were too few for the area they were representing. The rainfall generated within the hydraulic model area was being concentrated to only 4 small areas of the model. This in combination with the poor positioning of the Source of Area polygons resulted in flooding being overestimated in some areas and underestimated in others.
235. The rainfall needed to be better distributed, either by dividing the sub-catchment further, each with their own application area or using rain on grid to apply the rainfall evenly across the entire model boundary
236. The Rain on Grid method was used to better distribute the rainfall. The internal rainfall application areas were replaced by Direct Rainfall polygons. This feature applies rainfall depths directly to each 2 metre by 2 metre cell in the hydraulic model grid. This is closer to how rainfall works in real life.
237. The amended results are shown in Figure 18 and are generally less extensive and more flow paths are active.
238. These results were compared to the preliminary mapping produced by the modeling being undertaken by WMS on behalf of Latrobe City Council were found to be closely aligned. Further details are provided in **Attachment 9**.

Figure 18: Post-Exhibition (Day 1) proposed overlays in Glengarry



239. As a result of the proposed mapping updates, overlays have been removed from submitter 9, 15, 16, 23, 25, 26, 29, 33, 58, 61, and 65's properties. This has resulted in submitter 9, 15, 23, 25, and 61 withdrawing their submission. Submitter 26 verbally withdrew their submission and submitter 65 had withdrawn prior to Re-Exhibition of the Amendment.
240. Submitters 11, 21 and 56 have had the overlay partially removed from their property. Submitter 56 has then withdrawn their submission.
241. The overlay remains unchanged on submitter 3, 6, 18, 22, 24 and 62's properties. It should be noted that Submitter 8 has relocated, the overlay has been removed from the property specified in their submission but not from their current property.
242. Council seeks that the Panel support the proposed changes where changes are identified by Council. Where no changes are proposed, Council seeks that the Panel support Council position on the Amendment.

Traralgon

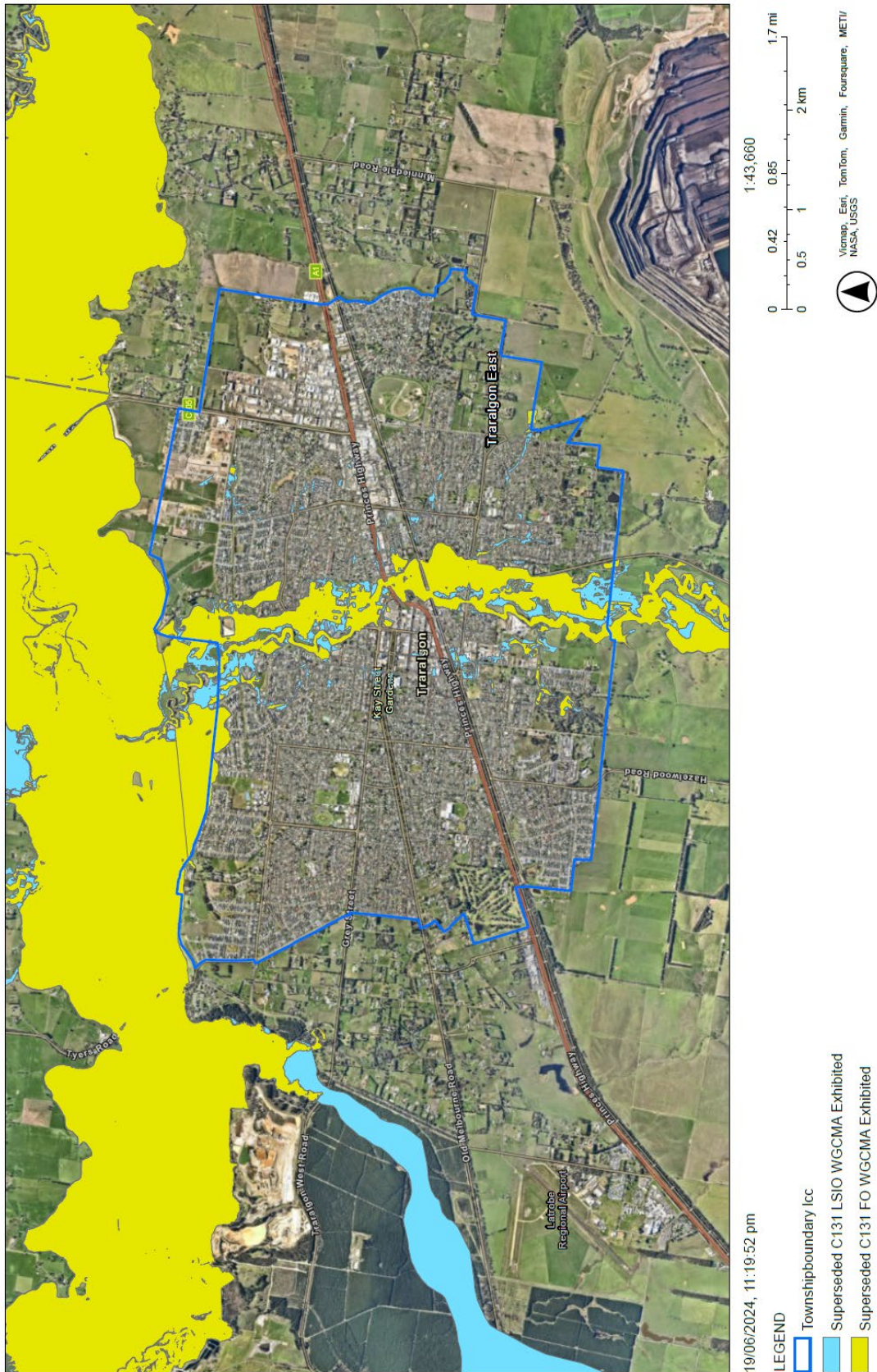
243. Submitters in Traralgon include 5, 7, 12, 13, 19, 20, 30, 31, 32, 34, 36, 37, 38, 39, 40, 41, 42, 45, 46, 47, 48, 50, 51, 52, 57, 59, 60, 64, 71, 72, 73, 74, 76, and 79.
244. Of the 34 submissions in Traralgon, 20 have withdrawn, 1 has verbally withdrawn, 8 are considered resolved and 5 object.
245. Issues raised in submissions include:
- Insurance, rates and house values;
 - No living memory of a flood;
 - The flooding being due to lack of drainage infrastructure or poor maintenance of existing drainage infrastructure;
 - Impacts on development potential;
 - Flooding being from stormwater flooding not riverine flooding resulting in the inappropriate application of the Land Subject to Inundation Overlay.
 - Inaccurate flood modelling;
 - Lack of background documentation and evidence and/or failure to show all relevant documentation;
 - Lack of flood mitigation works;

- Development has occurred on site since the flood studies were undertaken; and
- Does not want the overlay on the land.

246. ***Exhibition of the Amendment***

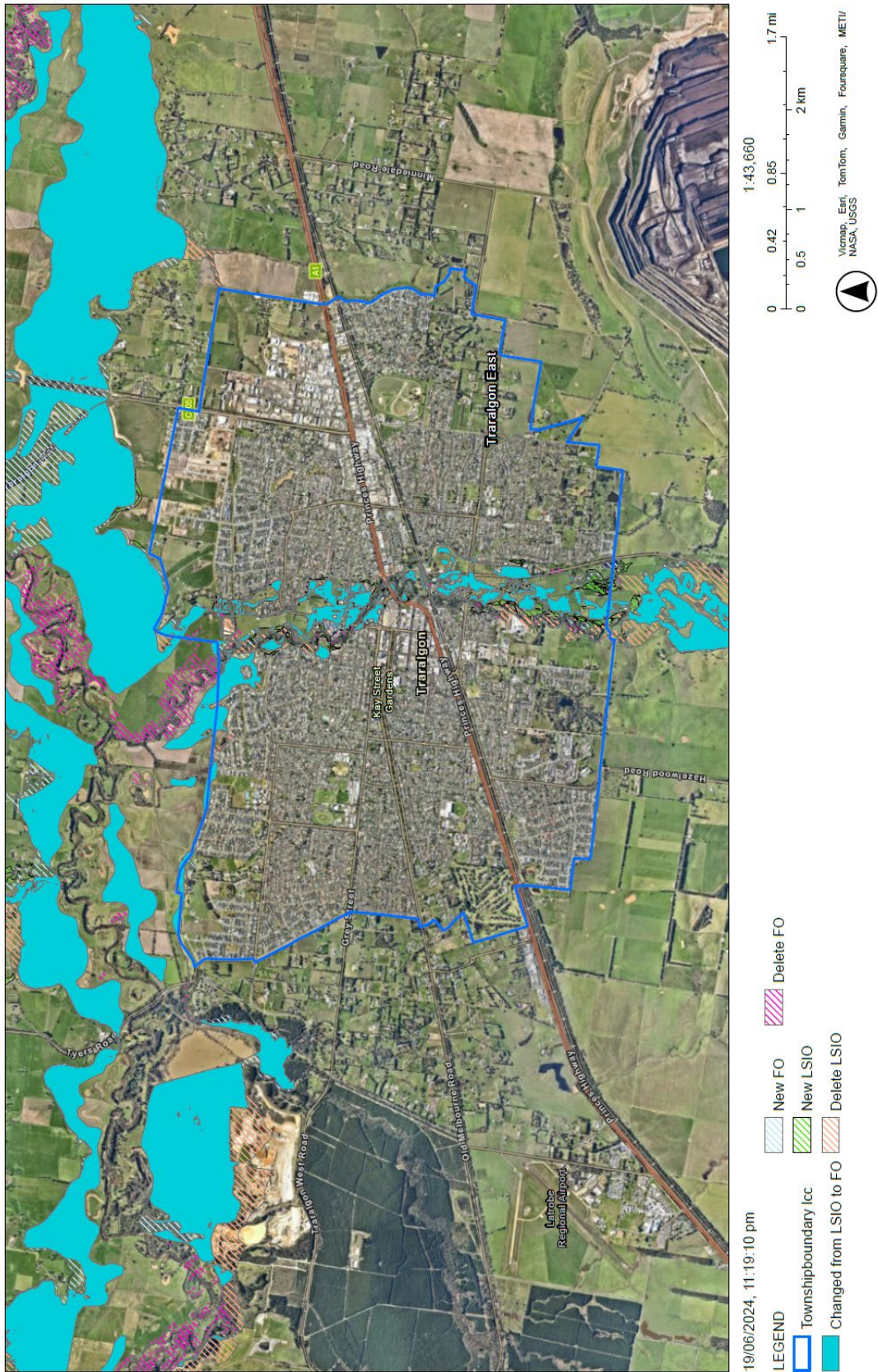
247. During Exhibition, the following was proposed in Figure 19:

Figure 19: First Exhibition of Proposed Flood Overlays in Traralgon



248. Pockets of stormwater flooding, outside the main riverine flooding area were removed from the proposed overlay extent to match the recommended extent of the proposed overlays in the *Traralgon Flood Study 2016* and due to Latrobe City Council undertaking the *Urban Flood Study* as discussed in section 6.7.
249. The removal of the stormwater from the proposed mapping removed the overlay from submitter 5, 7, 13, 19, 30, 31, 32, 34, 36, 37, 39, 42, 45, 46, 50, 51, 57, and 60's properties. Submitters 13, 19, 30, 31, 34, 36, 42, 45, 46, 51 and 60 have since withdrawn their submission. Submitter 7 has verbally withdrawn their submission.
250. In addition, the overlays were removed from the rear of properties along Graduate Place, Independent Way and Riverslea Boulevard, Traralgon due to a retaining wall being present along the rear boundary.
251. Submitters 12, 38, 47, 48, 59 and 64 have had the proposed overlays removed from their properties. Submitters 12, 38, 47, 48 and 64 have since withdrawn their submissions.
252. ***Re-Exhibition of the Amendment***
253. During Re-Exhibition the following extent was proposed in Figure 20:

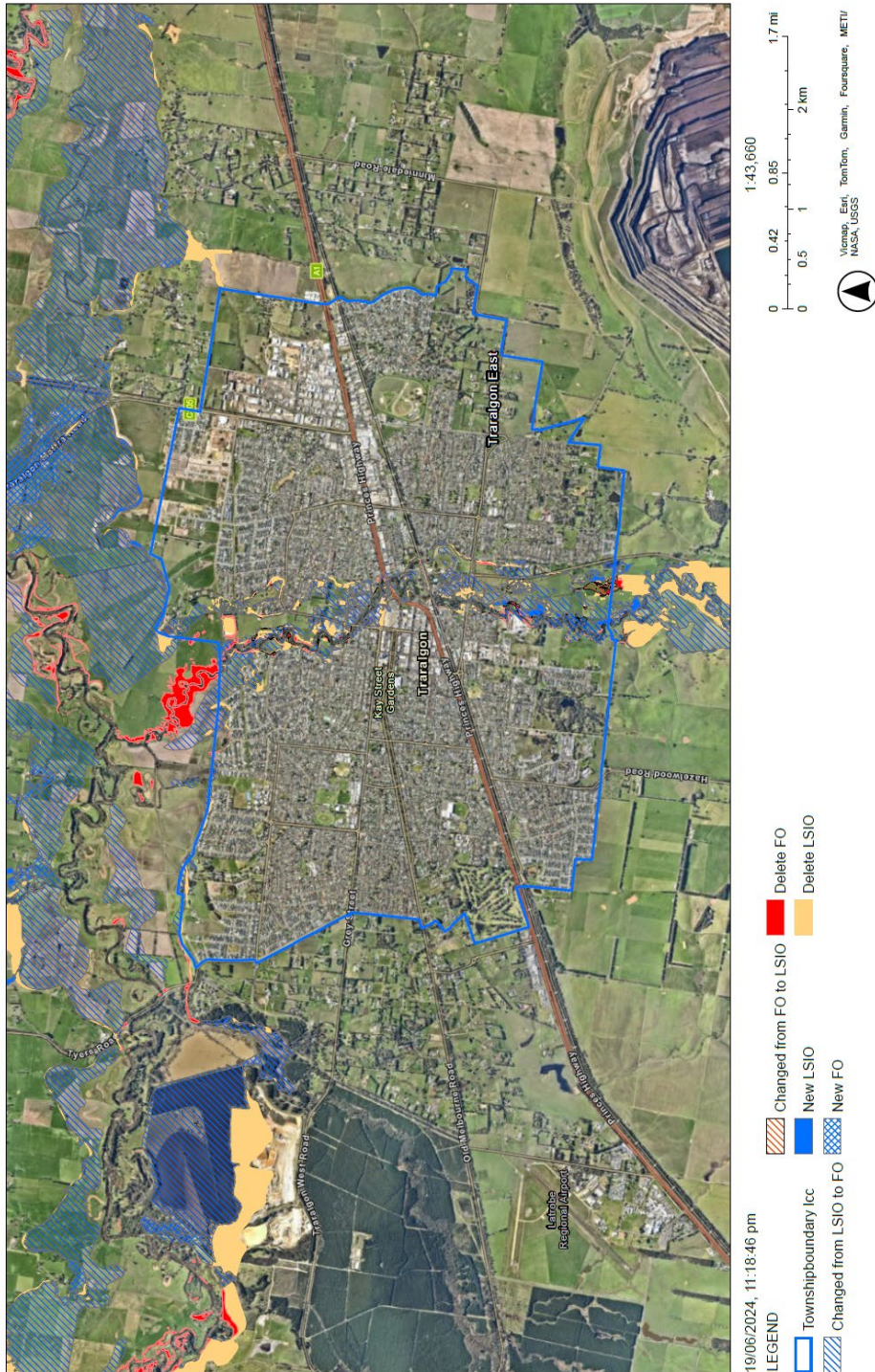
Figure 20: Re-exhibited version of proposed overlays in Traralgon



254. **Councils and WGCMA's Position on the Amendment**

255. In response to submission, post-exhibition changes are proposed in Traralgon for submissions 71, 72, 73, 74, 76, these are shown in Figure 21. In addition, minor administrative changes were made, particularly to correct a property cadastre error in maps 48LSIO-FO and maps 49LSIO-FO.

Figure 21: Post-Exhibition (Day 1) proposed overlays in Traralgon



256. Council seeks that the Panel support the proposed changes where changes are identified by Council. Where no changes are proposed, Council seeks that the Panel support Council position on the Amendment.

Morwell

257. Submitter 53 was the only submission from Morwell.

258. Due to changes made prior to Re-Exhibition to the proposed maps, the submission has been withdrawn.

259. Issues raised in submissions include:

- Insurance, rates and house values;
- No living memory of a flood;
- The flooding being due to lack of drainage infrastructure or poor maintenance of existing drainage infrastructure; and
- Inaccurate flood modelling

260. ***Exhibition of the Amendment***

261. During Exhibition, the following was proposed in Figure 22:

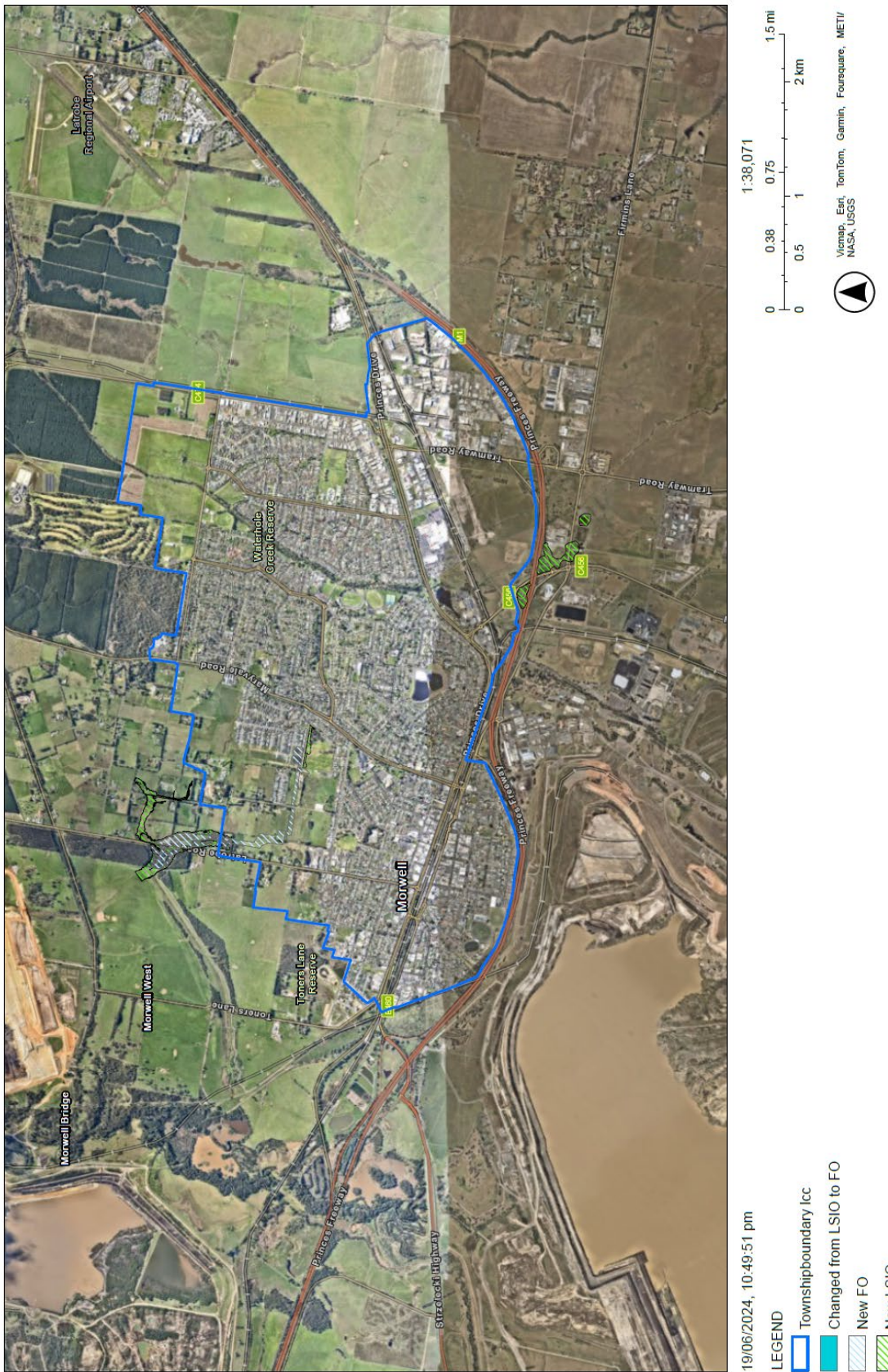
262. No documentation was available for the proposed Morwell mapping during the first Exhibition period.

263. As the Morwell North West Development Plan area is currently being developed, it was determined that the flood overlays would map the developed conditions. This was due to the overlays being out of date within a few years once the stormwater assets are completed.

264. ***Re-Exhibition of the Amendment***

265. During Re-Exhibition the following extent was proposed in Figure 23:

Figure 23: Re-exhibited version of proposed overlays in Morwell



266. Councils and WGCMA's Position on the Amendment

267. No post-exhibition changes are proposed in Morwell.

268. Council seeks that the Panel support the proposed changes where changes are identified by Council. Where no changes are proposed, Council seeks that the Panel support Council position on the Amendment.

Churchill

269. Submitters in Churchill include 41, and 77.

270. Both of these submissions are considered to be resolved.

271. Issues raised in submissions include:

- Impacts on development potential; and
- Development occurring on site after the flood study was conducted.

272. Exhibition of the Amendment

273. During Exhibition, the following was proposed in Figure 24:

Figure 24: First Exhibition of Proposed Flood Overlays in Churchill



274. **Re-Exhibition of the Amendment**

275. During Re-Exhibition the following extent was proposed in Figure 25:

Figure 25: Re-exhibited version of proposed overlays in Churchill



276. ***Councils and WGCMA's Position on the Amendment***

277. Map 93LSIO-FO is proposed to be removed from the Amendment as it was not appropriately included in the Instruction Sheet and Explanatory Report during the Re-Exhibition of the Amendment.
278. As no overlays are proposed, it is considered that submitter 41 and 77's concerns have been resolved. The Post-Exhibition changes would mean that there are no overlay changes are proposed in Churchill as shown in Figure 26.

Figure 26: Post-Exhibition (Day 1) proposed overlays in Churchill



279. Council seeks that the Panel support the proposed changes where changes are identified by Council. Where no changes are proposed, Council seeks that the Panel support Council position on the Amendment.

Moe-Newborough

280. Submitters in Moe-Newborough or Moe South include 4, 43, 55

281. Of these submissions 1 has withdrawn, and 2 object.

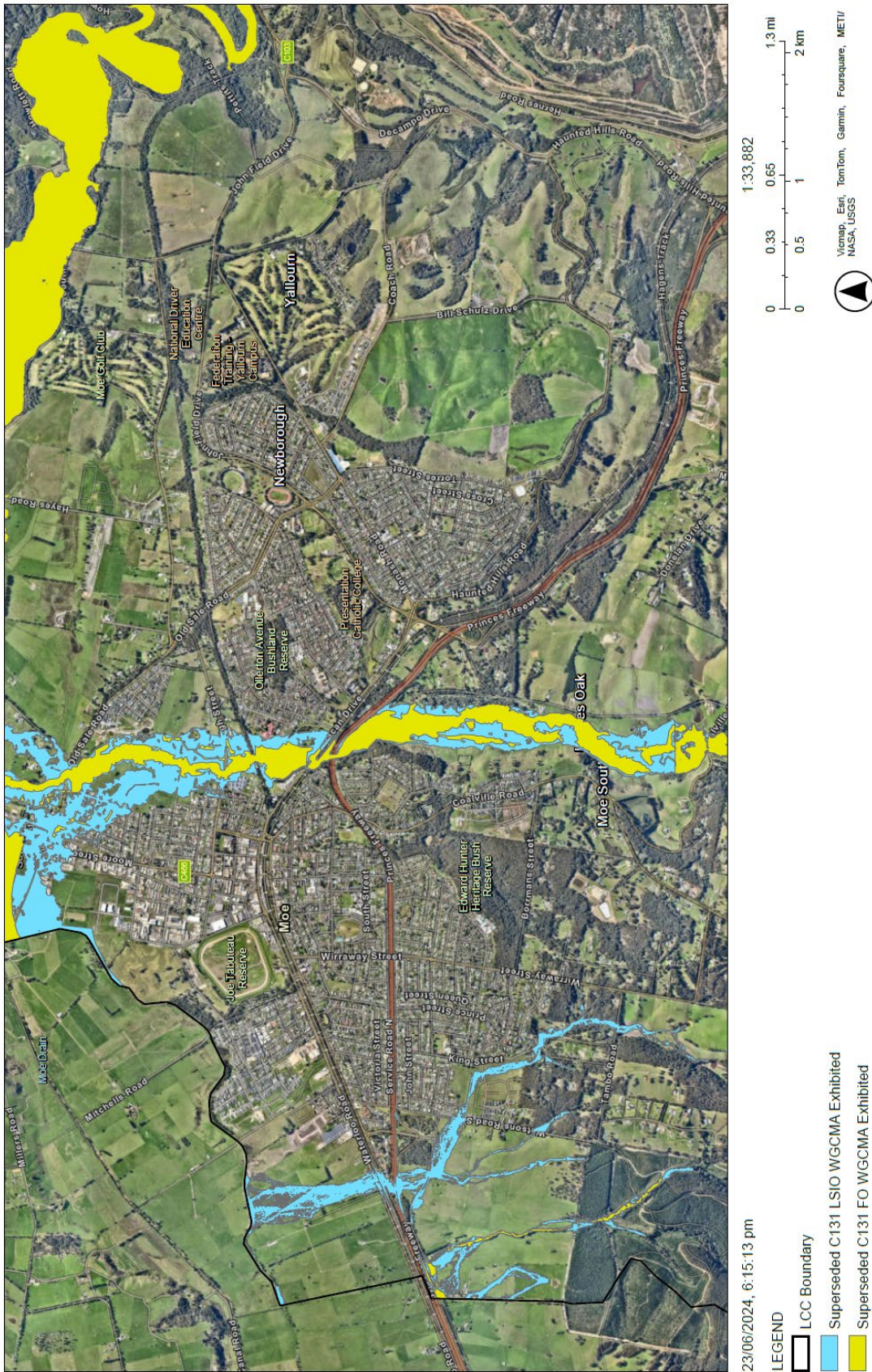
282. Issues raised in submissions include:

- No living memory of a flood;
- The flooding being due to lack of drainage infrastructure or poor maintenance of existing drainage infrastructure;
- Lack of notification from Amendment C9;
- The overlay should never have been applied to the land; and
- Flooding was not shown in the background documents resulting in a lack of evidence and a failure to provide all relevant documentation.

283. ***Exhibition of the Amendment***

284. During Exhibition, the following was proposed in Figure 27:

Figure 27: First Exhibition of Proposed Flood Overlays in Moe-Newborough



285. ***Re-Exhibition of the Amendment***

286. The documentation for the unnamed reach to the south and south-east of Moe were removed from the Amendment due to lack of documentation as was the proposed overlays along Narracan Creek in Moe South. This resulted in the overlay being removed from submitter 4's property.

287. During Re-Exhibition the following extent was proposed in Figure 28:

Figure 28: Re-exhibited version of proposed overlays in Moe-Newborough



288. Councils and WGCMA's Position on the Amendment

289. No post-exhibition changes are proposed in Moe-Newborough. The overlays on submitter 43 and 55's properties were applied by Amendment C9 to the Latrobe Planning Scheme. As such, requested changes are outside the scope of this Amendment.

290. Council seeks that the Panel support Council's decision to not make changes to the overlay as requested by Submitters 43 and 55.

Yinnar

291. Submitter 67 is the only submission in Yinnar who objects to the Amendment.

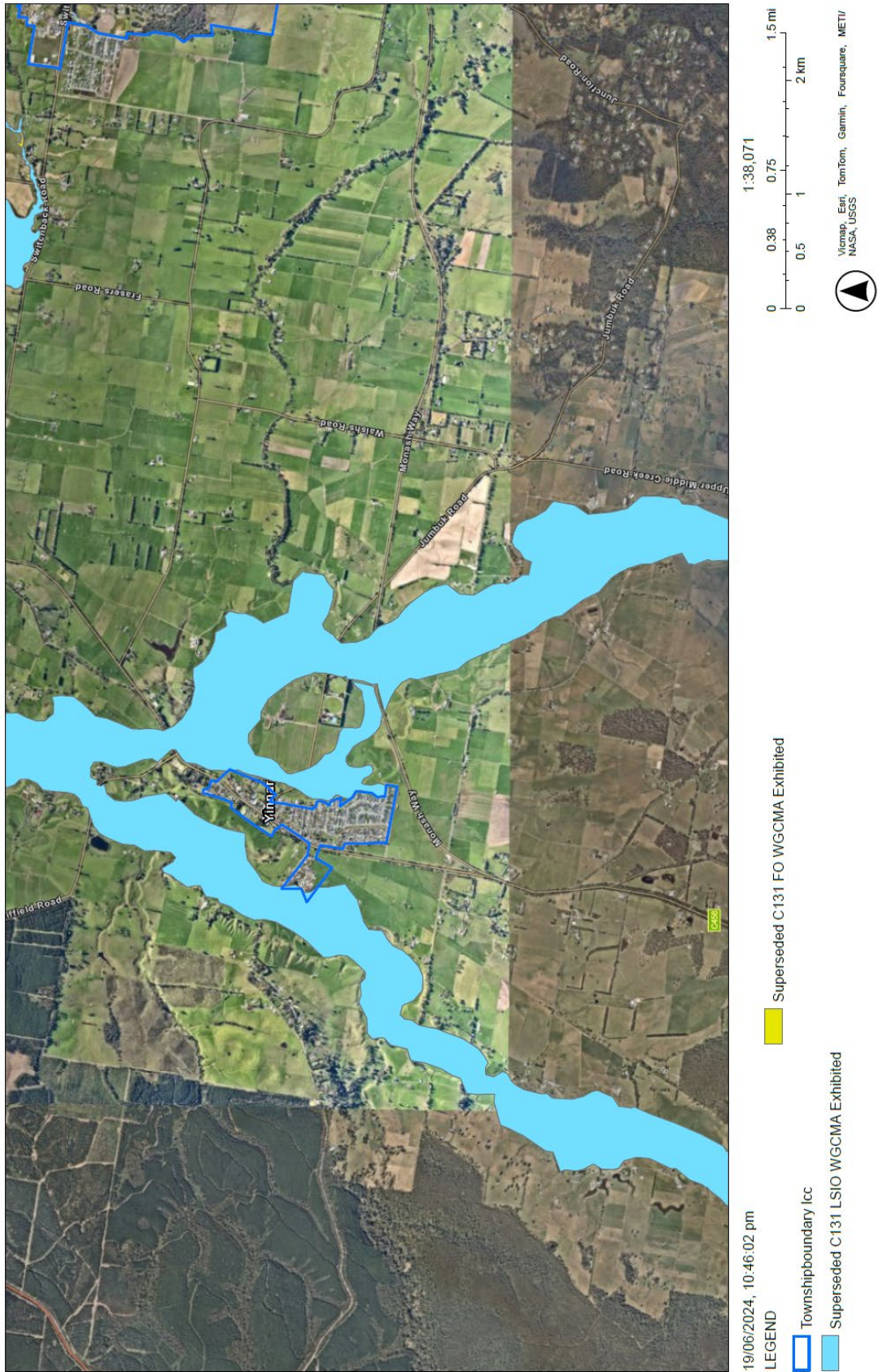
292. Issues raised in submissions include:

- Overlays should be extended to include more of the submitter's property as it does not match the real flood extent.

293. Exhibition of the Amendment

294. During Exhibition, the following flood overlays were proposed as shown in Figure 29:

Figure 29: First Exhibition of Proposed Flood Overlays in Yinnar



295. ***Re-Exhibition of the Amendment***

296. During Re-Exhibition, as no flood study supported changes in Yinnar, no changes to the existing overlays were proposed, as shown in Figure 30.

Figure 30: Re-exhibited version of proposed overlays in Yinnar



297. Councils and WGCMA's Position on the Amendment

298. Any changes to the flood overlays in Yinnar would be considered out of scope of the Amendment.
299. Council seeks that the Panel support Council's decision to not make changes to the overlay as requested by Submitter 67.

Other changes made to the Amendment

300. Other changes made include:

301. The climate change scenario for the Latrobe River was added before the Re-Exhibition of the Amendment. The extent of the floodplain did not change beyond minor changes around Lake Narracan but the flood depth increased.

302. Minor changes were made to properties at:

- 9-11, 9-11A 13, 17, and 19 Princes Drive, Traralgon where the overlay was amended to run along the property boundary in response to an enquiry during the Re-Exhibition period.
- Properties at 1, 2, 18, 24, and 25 Le Grange and 1, 11, 13, 15A and 15B Paul Street, Traralgon where the proposed overlays were reduced to align with the property boundaries due to the land being elevated. Adjustments were made based on the 2019 LIDAR data.
- The LSIO is proposed to be clipped to the property boundary for:
 - 2 Anderson Street, Traralgon;
 - 18 Central Park Avenue, Traralgon;
 - 2/272 Franklin Street and 3/272 Franklin Street, Traralgon;
 - 10 Mackillop Court, Traralgon;
 - 7 Macquarie Place, Traralgon;
 - 225 Marshalls Road, Traralgon
 - 7, 8 and 9 Rothbury Place, Traralgon
 - 1, 2, 3, 4, 5, and 6 Senade Court, Traralgon; and
 - 5 Tudor Court, Traralgon.
- Changes proposed are due to the small pockets of LSIO being present on the property that do not provide a useful planning permit trigger.

303. Changes are proposed to remove the flood overlays from 3, 20, 22, 24 and 26 Chatswood Close, Glengarry as the area has developed since the flood study was undertaken and fill has been placed on site to raise the ground level.

304. Additional changes to mapping, based on the Oxford Place review in relation to submissions received, have occurred on 9 Salisbury Crescent, 2, 6, 7, and 8A Waterford Court, Traralgon; and 15, 16, 17, 26-46 and 49 Bradman Boulevard, Traralgon, where the flood overlays have been reduced. There was also a reduction on the large basin lot due to the Oxford Place review as well.

305. Council seeks that the Panel support Council's decision to make changes to the overlay as specified above.
306. All proposed map changes can be seen in **Attachments 10 (Policy)** and **Attachment 11 (Maps)**.

8. CONCLUSION

- 307 The Amendment proposes to implement the findings of eight flood studies undertaken between 2015 and 2023 by amending the extent of the Floodway Overlay and the Land Subject to Inundation Overlay and making consequential changes to the Strategic Framework Plan and Glengarry Town Structure Plan.
- 308 The Amendment is considered to be consistent with the objectives of the Municipal Planning Strategy, and Planning Policy Framework contained within the Latrobe Planning Scheme.
- 309 It is the view of Latrobe City Council that these eight flood studies provide a sound assessment of flood risk at a catchment scales, representing the best available information on the hazard available to the Latrobe City community. Accordingly, the flood studies have informed the preparation of the Amendment, and if supported are considered to provide a net reduction in flood risk to the community now and into the future.
- 310 Latrobe City Council respectfully request that the Planning Panel support Planning Scheme Amendment C131 and consider changes in response to submissions as detailed in section 7 of this submission and in the Attachments.
- 311 It is noted that the response to submissions does not represent the final adopted position of Latrobe City Council. Council's adopted position will be made following its consideration of recommendations provided by the appointed Planning Panel as required by the Planning and Environment Act 1987.
- 312 This completes the Part A Submission for the Planning Authority.



Tegan McKenzie

Latrobe City Council